



Sen. Emil Jones Jr.

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LRB094 04587 AMC 42284 a

1 AMENDMENT TO SENATE BILL 19

2 AMENDMENT NO. _____. Amend Senate Bill 19 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Chicago Casino Development Authority Act.

6 Section 5. Definitions. As used in this Act:

7 "Authority" means the Chicago Casino Development Authority
8 created by this Act.

9 "Board" means the board appointed pursuant to this Act to
10 govern and control the Authority.

11 "Casino" means one or more temporary land-based or
12 river-based facilities and a permanent land-based facility, at
13 each of which lawful gambling is authorized and licensed as
14 provided in the Riverboat and Casino Gambling Act.

15 "City" means the City of Chicago.

16 "Casino operator" means any person developing or managing a
17 casino pursuant to a casino development and management
18 contract.

19 "Casino development and management contract" means a
20 legally binding agreement between the Board and one or more
21 casino operators, as specified in Section 45 of this Act.

22 "Executive director" means the person appointed by the
23 Board to oversee the daily operations of the Authority.

24 "Gaming Board" means the Illinois Gaming Board created by

1 the Riverboat and Casino Gambling Act.

2 "Mayor" means the Mayor of the City.

3 Section 15. Board.

4 (a) The governing and administrative powers of the
5 Authority shall be vested in a body known as the Chicago Casino
6 Development Board. The Board shall consist of 5 members, each
7 of whom shall be appointed by the Mayor, subject to advice and
8 consent by the corporate authorities of the City, after the
9 completion of a background investigation and approval by the
10 Gaming Board. One of these members shall be designated by the
11 Mayor to serve as chairperson. If the corporate authorities
12 fail to approve or reject a proposed appointment within 45 days
13 after the Mayor has submitted the proposed appointment to the
14 corporate authorities, the corporate authorities shall be
15 deemed to have given consent to the appointment. All of the
16 members shall be residents of the City.

17 (b) A Board member shall not hold any other public office
18 under the laws or Constitution of this State or any political
19 subdivision thereof.

20 (c) Board members shall receive \$300 for each day the
21 Authority meets and shall be entitled to reimbursement of
22 reasonable expenses incurred in the performance of their
23 official duties. A Board member who serves in the office of
24 secretary or treasurer may also receive compensation for
25 services provided as that officer.

26 Section 20. Terms of appointments; resignation and
27 removal.

28 (a) The Mayor shall appoint 2 members of the Board for
29 initial terms expiring July 1, 2006, 2 members for initial
30 terms expiring July 1, 2008, and one member, who shall serve as
31 chairperson, for an initial term expiring July 1, 2010. At the
32 expiration of the term of any member, his or her successor

1 shall be appointed by the Mayor in like manner as appointments
2 for the initial terms.

3 (b) All successors shall hold office for a term of 5 years
4 from the first day of July of the year in which they are
5 appointed, except in the case of an appointment to fill a
6 vacancy. All subsequent chairpersons shall hold office for a
7 term of 5 years. Each member, including the chairperson, shall
8 hold office until the expiration of his or her term and until
9 his or her successor is appointed. Nothing shall preclude a
10 member or a chairperson from serving consecutive terms. Any
11 member may resign from his or her office, to take effect when
12 his or her successor has been appointed and has qualified.

13 (c) The Mayor may remove any member of the Board upon a
14 finding of incompetence, neglect of duty, misfeasance or
15 malfeasance in office, or for a violation of Ethics Section 32,
16 on the part of the board member to be removed. In addition the
17 Gaming Board may remove any member of the Board for violation
18 of any provision of the Riverboat and Casino Gambling Act or
19 the rules and regulations of the Gaming Board. In case of a
20 member's failure to qualify within the time required or
21 abandonment of his or her office, or in the case of a member's
22 death, indictment, or conviction for, or pleading guilty to, a
23 felony or removal from office, his or her office shall become
24 vacant. Each vacancy shall be filled for the unexpired term by
25 appointment in like manner, as in the case of expiration of the
26 term of a member of the Board.

27 Section 25. Organization of Board; meetings. As soon as
28 practicable after the effective date of this Act, the Board
29 shall organize for the transaction of business. The Board shall
30 prescribe the time and place for meetings, the manner in which
31 special meetings may be called, and the notice that must be
32 given to members. All actions and meetings of the Board and its
33 committees shall be subject to the provisions of the Open

1 Meetings Act. Three members of the Board shall constitute a
2 quorum for the transaction of business. All substantive action
3 of the Board shall be by resolution. The affirmative vote of at
4 least 3 members shall be necessary for the adoption of any
5 resolution.

6 Section 30. Executive director; officers.

7 (a) The Board shall appoint an executive director, after
8 the completion of a background investigation and approval by
9 the Gaming Board, who shall be the chief executive officer of
10 the Authority. The Board shall fix the compensation of the
11 executive director. Subject to the general control of the
12 Board, the executive director shall be responsible for the
13 management of the business, properties, and employees of the
14 Authority. The executive director shall direct the enforcement
15 of all resolutions, rules, and regulations of the Board, and
16 shall perform such other duties as may be prescribed from time
17 to time by the Board. All employees and independent
18 contractors, consultants, engineers, architects, accountants,
19 attorneys, financial experts, construction experts and
20 personnel, superintendents, managers, and other personnel
21 appointed or employed pursuant to this Act shall report to the
22 executive director. In addition to any other duties set forth
23 in this Act, the executive director shall do all of the
24 following:

25 (1) Direct and supervise the administrative affairs
26 and activities of the Authority in accordance with its
27 rules, regulations, and policies.

28 (2) Attend meetings of the Board.

29 (3) Keep minutes of all proceedings of the Board.

30 (4) Approve all accounts for salaries, per diem
31 payments, and allowable expenses of the Board and its
32 employees and consultants.

33 (5) Report and make recommendations to the Board

1 concerning the terms and conditions of any casino
2 development and management contract.

3 (6) Perform any other duty that the Board requires for
4 carrying out the provisions of this Act.

5 (7) Devote his or her full time to the duties of the
6 office and not hold any other office or employment.

7 (b) The Board shall select a secretary and a treasurer, who
8 need not be members of the Board, to hold office at the
9 pleasure of the Board. The Board shall fix the duties and
10 compensation of each such officer.

11 Section 32. Code of Ethics.

12 (a) No person who is an officer or employee of the
13 Authority or the City may have a financial interest, either
14 directly or indirectly, in his own name or in the name of any
15 other person, partnership, association, trust, corporation, or
16 other entity, in any contract or the performance of any work of
17 the Authority. No such person may represent, either
18 professionally or as agent or otherwise, any person,
19 partnership, association, trust, corporation, or other
20 business entity, with respect to any application or bid for any
21 Authority contract or work, nor may any such person take or
22 receive, or offer to take or receive, either directly or
23 indirectly, any money or other thing of value as a gift or
24 bribe or means of influencing his or her vote or action in his
25 or her official character. Any contract made and procured in
26 violation of this Section is void. The provisions of this
27 Section shall continue to apply equally and in all respects for
28 a period of 2 years from and after the date on which he or she
29 ceases to be an officer or employee.

30 (b) Any person under subsection (a) may provide materials,
31 merchandise, property, services, or labor, if:

32 (1) the contract is with a person, firm, partnership,
33 association, corporation, or other business entity in

1 which the interested person has less than a 7 1/2% share in
2 the ownership;

3 (2) the interested person publicly discloses the
4 nature and extent of his or her interest prior to or during
5 deliberations concerning the proposed award of the
6 contract;

7 (3) the interested person, if a Board member, abstains
8 from voting on the award of the contract, though he or she
9 shall be considered present for the purposes of
10 establishing a quorum;

11 (4) the contract is approved by a majority vote of
12 those members presently holding office;

13 (5) for a contract the amount of which exceeds \$1,500,
14 the contract is awarded after sealed bids to the lowest
15 responsible bidder; and

16 (6) the award of the contract would not cause the
17 aggregate amount of all such contracts so awarded to the
18 same person, firm, association, partnership, corporation,
19 or other business entity in the same fiscal year to exceed
20 \$25,000.

21 A contract for the procurement of public utility services
22 with a public utility company is not barred by this Section by
23 any such person being an officer or employee of the public
24 utility company or holding an ownership interest of no more
25 than 7 1/2% in the public utility company. Any such person
26 having such an interest shall be deemed not to have a
27 prohibited interest under this Section.

28 (c) Before any contract relating to the ownership or use of
29 real property is entered into by and between the Authority, the
30 identity of every owner and beneficiary having an interest,
31 real or personal, in such property, and every shareholder
32 entitled to receive more than 7 1/2% of the total distributable
33 income of any corporation having any interest, real or
34 personal, in such property must be disclosed. The disclosure

1 shall be in writing and shall be subscribed by an owner,
2 authorized trustee, corporate official, or managing agent
3 under oath. However, if stock in a corporation is publicly
4 traded and there is no readily known individual having greater
5 than a 7 1/2% interest, then a statement to that effect,
6 subscribed to under oath by an officer of the corporation or
7 its managing agent, shall fulfill the disclosure statement
8 requirement of this Section. This Section shall be liberally
9 construed to accomplish the purpose of requiring the
10 identification of the actual parties benefiting from any
11 transaction with the Authority involving the procurement of the
12 ownership or use of real property thereby.

13 (d) Any member of the Board, officer or employee of the
14 Authority, or other person, who violates any provision of this
15 Section, is guilty of a Class 4 felony and in addition thereto,
16 any office or official position held by any person so convicted
17 shall become vacant, and shall be so declared as part of the
18 judgment of court.

19 (e) As used in this Section: "financial interest" means (i)
20 any interest as a result of which the owner currently receives
21 or is entitled to receive in the future more than \$2,500 per
22 year; (ii) any interest with a cost or present value of \$5,000
23 or more; or (iii) any interest representing more than 10% of a
24 corporation, partnership, sole proprietorship, firm,
25 enterprise, franchise, organization, holding company, joint
26 stock company, receivership, trust, or any legal entity
27 organized for profit; provided, however, financial interest
28 shall not include (i) any interest of the spouse of an official
29 or employee which interest is related to the spouse's
30 independent occupation, profession, or employment; (ii) any
31 ownership through purchase at fair market value or inheritance
32 of less than 1% of the shares of a corporation, or any
33 corporate subsidiary, parent, or affiliate thereof, regardless
34 of the value of or dividends on such shares, if such shares are

1 registered on a securities exchange pursuant to the Securities
2 Exchange Act of 1934, as amended; (iii) the authorized
3 compensation paid to an official or employee for his office or
4 employment; (iv) a time or demand deposit in a financial
5 institution; and (v) an endowment or insurance policy or
6 annuity contract purchased from an insurance company.

7 Section 35. General powers of the Board. In addition to the
8 specific powers and duties set forth elsewhere in this Act, the
9 Board may do any of the following:

10 (1) Adopt and alter an official seal.

11 (2) Sue and be sued, plead and be impleaded, all in its own
12 name, and agree to binding arbitration of any dispute to which
13 it is a party.

14 (3) Adopt, amend, and repeal by-laws, rules, and
15 regulations consistent with furtherance of the powers and
16 duties provided in this Act.

17 (4) Maintain its principal office within the City and such
18 other offices as the Board may designate.

19 (5) Employ, either as regular employees or independent
20 contractors, consultants, engineers, architects, accountants,
21 attorneys, financial experts, construction experts and
22 personnel, superintendents, managers and other professional
23 personnel, casino personnel, and such other personnel as may be
24 necessary in the judgment of the Board, and fix their
25 compensation.

26 (6) Acquire, hold, lease, use, encumber, transfer, or
27 dispose of real and personal property, including the alteration
28 of or demolition of improvements to real estate.

29 (7) Enter into, revoke, and modify contracts of any kind,
30 including the casino development and management contracts
31 specified in Section 45.

32 (9) Subject to the provisions of Section 70, develop, or
33 cause to be developed, a master plan for design, planning, and

1 development of the casino.

2 (10) Negotiate and enter into intergovernmental agreements
3 with the State and its agencies, the City, and other units of
4 local government, in furtherance of the powers and duties of
5 the Board.

6 (12) Receive and disburse funds for its own corporate
7 purposes or as otherwise specified in this Act.

8 (13) Borrow money from any source, public or private, for
9 any corporate purpose, including, without limitation, working
10 capital for its operations, reserve funds, or payment of
11 interest, and to mortgage, pledge, or otherwise encumber the
12 property or funds of the Authority and to contract with or
13 engage the services of any person in connection with any
14 financing, including financial institutions, issuers of
15 letters of credit, or insurers and enter into reimbursement
16 agreements with this person which may be secured as if money
17 were borrowed from the person.

18 (14) Issue bonds as provided under this Act.

19 (15) Receive and accept from any source, private or public,
20 contributions, gifts, or grants of money or property.

21 (16) Make loans from proceeds or funds otherwise available
22 to the extent necessary or appropriate to accomplish the
23 purposes of the Authority.

24 (17) Provide for the insurance of any property, operations,
25 officers, members, agents, or employees of the Authority
26 against any risk or hazard, to self-insure or participate in
27 joint self-insurance pools or entities to insure against such
28 risk or hazard, and to provide for the indemnification of its
29 officers, members, employees, contractors, or agents against
30 any and all risks.

31 (18) Require the removal or relocation of any building,
32 railroad, main, pipe, conduit, wire, pole, structure,
33 facility, or equipment as may be needed to carry out the powers
34 of the Authority, with the Authority to compensate the person

1 required to remove or relocate the building, railroad, main,
2 pipe, conduit, wire, pole, structure, facility, or equipment as
3 provided by law, without the necessity to secure any approval
4 from the Illinois Commerce Commission for such removal or for
5 such relocation.

6 (19) Exercise all the corporate powers granted Illinois
7 corporations under the Business Corporation Act of 1983, except
8 to the extent that powers are inconsistent with those of a body
9 politic and corporate of the State.

10 (20) Establish and change its fiscal year.

11 (21) Do all things necessary or convenient to carry out the
12 powers granted by this Act.

13 Section 45. Casino development and management contracts.

14 (a) The Board shall develop and administer an open and
15 competitive bidding process for the selection of casino
16 operators to develop and operate a casino within the City. The
17 Board shall issue one or more requests for proposal and shall
18 solicit proposals from casino operators in response to such a
19 request. The Board may establish minimum financial and
20 investment requirements to determine the eligibility of
21 persons to respond to the Board's requests for proposal, and
22 may establish and consider such other criteria as it deems
23 appropriate. The Board may impose a fee upon persons who
24 respond to requests for proposal, in order to reimburse the
25 Board for its costs in preparing and issuing the requests and
26 reviewing the proposals.

27 (b) The Board shall ensure that casino development and
28 management contracts provide for the development,
29 construction, and operation of a high quality casino, and
30 provide for the maximum amounts of revenue that reasonably may
31 be available to the Authority and the City.

32 (c) The Board shall evaluate the responses to its requests
33 for proposal and the ability of all persons or entities

1 responding to its request for proposal to meet the requirements
2 of this Act and to undertake and perform the obligations set
3 forth in its requests for proposal.

4 (d) After the review and evaluation of the proposals
5 submitted, the Board shall, in its discretion, enter into one
6 or more casino development and management contracts
7 authorizing the development, construction, and operation of
8 the casino, subject to the provisions of the Riverboat and
9 Casino Gambling Act. The Board may award a casino development
10 and management contract to a person or persons submitting
11 proposals that are not the highest bidders. In doing so it may
12 take into account other factors, such as experience, financial
13 condition, assistance in financing, reputation, and any other
14 factors the Board, in its discretion, believes may increase
15 revenues at the casino.

16 (e) The Board shall transmit to the Gaming Board a copy of
17 each casino development and management contract after it is
18 executed.

19 (f) The Board may enter into a casino development and
20 management contract prior to or after adopting a resolution
21 approving a location for the casino and requesting that the
22 Gaming Board issue an owners license to the Authority under the
23 Riverboat and Casino Gambling Act.

24 Section 50. Transfer of funds. The revenues received by the
25 Authority (other than amounts required to pay the operating
26 expenses of the Authority, to pay amounts due the casino
27 operator pursuant to a casino management and development
28 contract, to repay any borrowing of the Authority made pursuant
29 to Section 35, to pay debt service on any bonds issued under
30 Section 75, and to pay any expenses in connection with the
31 issuance of such bonds pursuant to Section 75 or derivative
32 products pursuant to Section 85) shall be transferred to the
33 City by the Authority and may be applied to any public purpose

1 benefiting the residents of the City.

2 Section 60. Authority annual expenses. Until sufficient
3 revenues become available for such purpose, the Authority and
4 the City may enter into an intergovernmental agreement whereby
5 the Authority shall receive or borrow funds from the City for
6 its annual operating expenses.

7 Section 65. Acquisition of property; eminent domain
8 proceedings.

9 (a) The Authority may acquire in its own name, by gift or
10 purchase, any real or personal property or interests in real or
11 personal property necessary or convenient to carry out the
12 purposes of the Act.

13 (b) For the lawful purposes of this Act, the City may
14 acquire by eminent domain or by condemnation proceedings in the
15 manner provided by Article VII of the Code of Civil Procedure,
16 real or personal property or interests in real or personal
17 property located in the City, and may convey to the Authority
18 property so acquired. The acquisition of property under this
19 Section is declared to be for a public use.

20 Section 70. Local regulation. The casino facilities and
21 operations therein shall be subject to all ordinances and
22 regulations of the City. The construction, development, and
23 operation of the casino shall comply with all ordinances,
24 regulations, rules, and controls of the City, including but not
25 limited to those relating to zoning and planned development,
26 building, fire prevention, and land use. However, the
27 regulation of gaming operations is subject to the exclusive
28 jurisdiction of the Gaming Board, except as limited by the
29 Riverboat and Casino Gambling Act.

30 Section 75. Borrowing.

1 (a) The Authority may at any time and from time to time
2 borrow money and issue bonds as provided in this Section. Bonds
3 of the Authority may be issued to provide funds for land
4 acquisition, site assembly and preparation, and infrastructure
5 improvements required in connection with the development of the
6 casino; to pay, refund (at the time or in advance of any
7 maturity or redemption), or redeem any bonds of the Authority;
8 to provide or increase a debt service reserve fund or other
9 reserves with respect to any or all of its bonds; to pay
10 interest on bonds; or to pay the legal, financial,
11 administrative, bond insurance, credit enhancement, and other
12 legal expenses of the authorization, issuance, or delivery of
13 bonds. In this Act, the term "bonds" also includes notes of any
14 kind, interim certificates, refunding bonds, or any other
15 evidence of obligation for borrowed money issued under this
16 Section. Bonds may be issued in one or more series and may be
17 payable and secured either on a parity with or separately from
18 other bonds.

19 (b) The bonds of the Authority shall be payable solely from
20 one or more of the following sources: (i) the property or
21 revenues of the Authority; (ii) revenues derived from the
22 casino; (iii) revenues derived from any casino operator; (iv)
23 fees, bid proceeds, charges, lease payments, payments required
24 pursuant to any casino development and management contract or
25 other revenues payable to the Authority, or any receipts of the
26 Authority; (v) payments by financial institutions, insurance
27 companies, or others pursuant to letters or lines of credit,
28 policies of insurance, or purchase agreements; (vi) investment
29 earnings from funds or accounts maintained pursuant to a bond
30 resolution or trust indenture; and (vii) proceeds of refunding
31 bonds.

32 (c) Bonds shall be authorized by a resolution of the
33 Authority and may be secured by a trust indenture by and
34 between the Authority and a corporate trustee or trustees,

1 which may be any trust company or bank having the powers of a
2 trust company within or without the State. Bonds may:

3 (i) Mature at a time or times, whether as serial
4 bonds, term bonds, or both, not exceeding 40 years from
5 their respective dates of issue.

6 (ii) Without regard to any limitation established
7 by statute, bear interest in the manner or determined
8 by the method provided in the resolution or trust
9 indenture.

10 (iii) Be payable at a time or times, in the
11 denominations and form, including book entry form,
12 either coupon, registered, or both, and carry the
13 registration and privileges as to exchange, transfer
14 or conversion, and replacement of mutilated, lost, or
15 destroyed bonds as the resolution or trust indenture
16 may provide.

17 (iv) Be payable in lawful money of the United
18 States at a designated place.

19 (v) Be subject to the terms of purchase, payment,
20 redemption, refunding, or refinancing that the
21 resolution or trust indenture provides.

22 (vi) Be executed by the manual or facsimile
23 signatures of the officers of the Authority designated
24 by the Board, which signatures shall be valid at
25 delivery even for one who has ceased to hold office.

26 (vii) Be sold at public or private sale in the
27 manner and upon the terms determined by the Authority.

28 (viii) Be issued in accordance with the provisions
29 of the Local Government Debt Reform Act.

30 (d) Any resolution or trust indenture may contain, subject
31 to the Riverboat and Casino Gambling Act and rules of the
32 Gaming Board regarding pledging of interests in holders of
33 owners licenses, provisions that shall be a part of the
34 contract with the holders of the bonds as to the following:

1 (1) Pledging, assigning, or directing the use,
2 investment, or disposition of revenues of the Authority or
3 proceeds or benefits of any contract, including without
4 limitation, any rights in any casino development and
5 management contract.

6 (2) The setting aside of loan funding deposits, debt
7 service reserves, capitalized interest accounts,
8 replacement or operating reserves, cost of issuance
9 accounts and sinking funds, and the regulation,
10 investment, and disposition thereof.

11 (3) Limitations on the purposes to which or the
12 investments in which the proceeds of sale of any issue of
13 bonds or the Authority's revenues and receipts may be
14 applied or made.

15 (4) Limitations on the issue of additional bonds, the
16 terms upon which additional bonds may be issued and
17 secured, the terms upon which additional bonds may rank on
18 a parity with, or be subordinate or superior to, other
19 bonds.

20 (5) The refunding, advance refunding, or refinancing
21 of outstanding bonds.

22 (6) The procedure, if any, by which the terms of any
23 contract with bondholders may be altered or amended and the
24 amount of bonds and holders of which must consent thereto
25 and the manner in which consent shall be given.

26 (7) Defining the acts or omissions which shall
27 constitute a default in the duties of the Authority to
28 holders of bonds and providing the rights or remedies of
29 such holders in the event of a default, which may include
30 provisions restricting individual rights of action by
31 bondholders.

32 (8) Providing for guarantees, pledges of property,
33 letters of credit, or other security, or insurance for the
34 benefit of bondholders.

1 (9) Any other matter relating to the bonds that the
2 Authority determines appropriate.

3 (e) No member of the Board, nor any person executing the
4 bonds, shall be liable personally on the bonds or subject to
5 any personal liability by reason of the issuance of the bonds.

6 (f) The Authority may issue and secure bonds in accordance
7 with the provisions of the Local Government Credit Enhancement
8 Act.

9 (g) A pledge by the Authority of revenues and receipts as
10 security for an issue of bonds or for the performance of its
11 obligations under any casino development and management
12 contract shall be valid and binding from the time when the
13 pledge is made. The revenues and receipts pledged shall
14 immediately be subject to the lien of the pledge without any
15 physical delivery or further act, and the lien of any pledge
16 shall be valid and binding against any person having any claim
17 of any kind in tort, contract, or otherwise against the
18 Authority, irrespective of whether the person has notice. No
19 resolution, trust indenture, management agreement or financing
20 statement, continuation statement, or other instrument adopted
21 or entered into by the Authority need be filed or recorded in
22 any public record other than the records of the Authority in
23 order to perfect the lien against third persons, regardless of
24 any contrary provision of law.

25 (h) By its authorizing resolution for particular bonds, the
26 Authority may provide for specific terms of those bonds,
27 including, without limitation, the purchase price and terms,
28 interest rate or rates, redemption terms and principal amounts
29 maturing in each year, to be established by one or more members
30 of the Board or officers of the Authority, all within a
31 specific range of discretion established by the authorizing
32 resolution.

33 (i) Bonds that are being paid or retired by issuance, sale,
34 or delivery of bonds, and bonds for which sufficient funds have

1 been deposited with the paying agent or trustee to provide for
2 payment of principal and interest thereon, and any redemption
3 premium, as provided in the authorizing resolution, shall not
4 be considered outstanding for the purposes of this subsection.

5 (j) The bonds of the Authority shall not be indebtedness of
6 the City, of the State, or of any political subdivision of the
7 State other than the Authority. The bonds of the Authority are
8 not general obligations of the State or the City and are not
9 secured by a pledge of the full faith and credit of the State
10 or the City and the holders of bonds of the Authority may not
11 require, except as provided in this Act, the application of
12 revenues or funds to the payment of bonds of the Authority.

13 (k) The State of Illinois pledges and agrees with the
14 owners of the bonds that it will not limit or alter the rights
15 and powers vested in the Authority by this Act so as to impair
16 the terms of any contract made by the Authority with the owners
17 or in any way impair the rights and remedies of the owners
18 until the bonds, together with interest on them, and all costs
19 and expenses in connection with any action or proceedings by or
20 on behalf of the owners, are fully met and discharged. The
21 Authority is authorized to include this pledge and agreement in
22 any contract with the owners of bonds issued under this
23 Section.

24 Section 85. Derivative products. With respect to all or
25 part of any issue of its bonds, the Authority may enter into
26 agreements or contracts with any necessary or appropriate
27 person, which will have the benefit of providing to the
28 Authority an interest rate basis, cash flow basis, or other
29 basis different from that provided in the bonds for the payment
30 of interest. Such agreements or contracts may include, without
31 limitation, agreements or contracts commonly known as
32 "interest rate swap agreements", "forward payment conversion
33 agreements", "futures", "options", "puts", or "calls" and

1 agreements or contracts providing for payments based on levels
2 of or changes in interest rates, agreements or contracts to
3 exchange cash flows or a series of payments, or to hedge
4 payment, rate spread, or similar exposure

5 Section 90. Legality for investment. The State of Illinois,
6 all governmental entities, all public officers, banks,
7 bankers, trust companies, savings banks and institutions,
8 building and loan associations, savings and loan associations,
9 investment companies, and other persons carrying on a banking
10 business, insurance companies, insurance associations, and
11 other persons carrying on an insurance business, and all
12 executors, administrators, guardians, trustees, and other
13 fiduciaries may legally invest any sinking funds, moneys, or
14 other funds belonging to them or within their control in any
15 bonds issued under this Act. However, nothing in this Section
16 shall be construed as relieving any person, firm, or
17 corporation from any duty of exercising reasonable care in
18 selecting securities for purchase or investment.

19 Section 95. Tax exemption. The Authority and all of its
20 operations and property used for public purposes shall be
21 exempt from all taxation of any kind imposed by the State of
22 Illinois or any political subdivision, school district,
23 municipal corporation, or unit of local government of the State
24 of Illinois. However, nothing in this Act prohibits the
25 imposition of any other taxes where such imposition is not
26 prohibited by Section 21 of the Riverboat and Casino Gambling
27 Act

28 Section 100. Application of laws. The Governmental Account
29 Audit Act, the Public Funds Statement Publication Act, and the
30 Illinois Municipal Budget Law shall not apply to the Authority.

1 Section 105. Budgets and reporting.

2 (a) Promptly following the execution of each casino
3 development and management contract provided for in this Act,
4 the Authority shall submit a written report with respect
5 thereto to the Governor, the Mayor, the Secretary of the
6 Senate, the Clerk of the House of Representatives, and the
7 Illinois Economic and Fiscal Commission.

8 (b) The Authority shall annually adopt a current expense
9 budget for each fiscal year. The budget may be modified from
10 time to time in the same manner and upon the same vote as it may
11 be adopted. The budget shall include the Authority's available
12 funds and estimated revenues and shall provide for payment of
13 its obligations and estimated expenditures for the fiscal year,
14 including, without limitation, expenditures for
15 administration, operation, maintenance and repairs, debt
16 service, and deposits into reserve and other funds and capital
17 projects.

18 (c) The Board shall annually cause the finances of the
19 Authority to be audited by a firm of certified public
20 accountants.

21 (d) The Authority shall, for each fiscal year, prepare an
22 annual report setting forth information concerning its
23 activities in the fiscal year and the status of the development
24 of the casino. The annual report shall include the audited
25 financial statements of the Authority for the fiscal year, the
26 budget for the succeeding fiscal year, and the current capital
27 plan as of the date of the report. Copies of the annual report
28 shall be made available to persons who request them and shall
29 be submitted not later than 120 days after the end of the
30 Authority's fiscal year to the Governor, the Mayor, the
31 Secretary of the Senate, the Clerk of the House of
32 Representatives, and the Illinois Economic and Fiscal
33 Commission.

1 Section 110. Deposit and withdrawal of funds.

2 (a) All funds deposited by the Authority in any bank or
3 savings and loan association shall be placed in the name of the
4 Authority and shall be withdrawn or paid out only by check or
5 draft upon the bank or savings and loan association, signed by
6 2 officers or employees designated by the Board.
7 Notwithstanding any other provision of this Section, the Board
8 may designate any of its members or any officer or employee of
9 the Authority to authorize the wire transfer of funds deposited
10 by the secretary-treasurer of funds in a bank or savings and
11 loan association for the payment of payroll and employee
12 benefits-related expenses.

13 No bank or savings and loan association shall receive
14 public funds as permitted by this Section unless it has
15 complied with the requirements established pursuant to Section
16 6 of the Public Funds Investment Act.

17 (b) If any officer or employee whose signature appears upon
18 any check or draft issued pursuant to this Act ceases (after
19 attaching his signature) to hold his or her office before the
20 delivery of such a check or draft to the payee, his or her
21 signature shall nevertheless be valid and sufficient for all
22 purposes with the same effect as if he or she had remained in
23 office until delivery thereof.

24 Section 115. Purchasing.

25 (a) All construction contracts and contracts for supplies,
26 materials, equipment, and services, when the cost thereof to
27 the Authority exceeds \$25,000, shall be let to the lowest
28 responsible bidder, after advertising for bids, except for the
29 following:

30 (1) When repair parts, accessories, equipment, or
31 services are required for equipment or services previously
32 furnished or contracted for;

33 (2) Professional services;

1 (3) When services such as water, light, heat, power,
2 telephone (other than long-distance service), or telegraph
3 are required;

4 (4) When contracts for the use, purchase, delivery,
5 movement, or installation of data processing equipment,
6 software, or services and telecommunications equipment,
7 software, and services are required;

8 (5) Casino development and management contracts, which
9 shall be awarded as set forth in Section 45 of this Act.

10 (b) All contracts involving less than \$25,000 shall be let
11 by competitive bidding whenever possible, and in any event in a
12 manner calculated to ensure the best interests of the public.

13 (c) Each bidder shall disclose in his or her bid the name
14 of each individual having a beneficial interest, directly or
15 indirectly, of more than 1% in such bidding entity and, if such
16 bidding entity is a corporation, the names of each of its
17 officers and directors. The bidder shall notify the Authority
18 of any changes in its ownership or its officers or directors at
19 the time such changes occur if the change occurs during the
20 pendency of a proposal or a contract.

21 (d) In determining the responsibility of any bidder, the
22 Authority may take into account the bidder's (or an individual
23 having a beneficial interest, directly or indirectly, of more
24 than 1% in such bidding entity) past record of dealings with
25 the Authority, the bidder's experience, adequacy of equipment,
26 and ability to complete performance within the time set, and
27 other factors besides financial responsibility, but in no case
28 shall any such contract be awarded to any other than the lowest
29 bidder (in case of purchase or expenditure) unless authorized
30 or approved by a vote of at least 4 members of the Board, and
31 unless such action is accompanied by a statement in writing
32 setting forth the reasons for not awarding the contract to the
33 highest or lowest bidder, as the case may be. The statement
34 shall be kept on file in the principal office of the Authority

1 and open to public inspection.

2 (e) Contracts shall not be split into parts involving
3 expenditures of less than \$25,000 for the purposes of avoiding
4 the provisions of this Section, and all such split contracts
5 shall be void. If any collusion occurs among bidders or
6 prospective bidders in restraint of freedom of competition, by
7 agreement to bid a fixed amount, to refrain from bidding, or
8 otherwise, the bids of such bidders shall be void. Each bidder
9 shall accompany his or her bid with a sworn statement that he
10 or she has not been a party to any such agreement.

11 (f) The Authority shall have the right to reject all bids
12 and to re-advertise for bids. If after any such
13 re-advertisement, no responsible and satisfactory bid, within
14 the terms of the re-advertisement, is received, the Authority
15 may award such contract without competitive bidding, provided
16 that it shall not be less advantageous to the Authority than
17 any valid bid received pursuant to advertisement.

18 (g) Advertisements for bids and re-bids shall be published
19 at least once in a daily newspaper of general circulation
20 published in the City at least 10 calendar days before the time
21 for receiving bids, and such advertisements shall also be
22 posted on readily accessible bulletin boards in the principal
23 office of the Authority. Such advertisements shall state the
24 time and place for receiving and opening of bids and, by
25 reference to plans and specifications on file at the time of
26 the first publication or in the advertisement itself, shall
27 describe the character of the proposed contract in sufficient
28 detail to fully advise prospective bidders of their obligations
29 and to ensure free and open competitive bidding.

30 (h) All bids in response to advertisements shall be sealed
31 and shall be publicly opened by the Authority. All bidders
32 shall be entitled to be present in person or by
33 representatives. Cash or a certified or satisfactory cashier's
34 check, as a deposit of good faith, in a reasonable amount to be

1 fixed by the Authority before advertising for bids, shall be
2 required with the proposal of each bidder. A bond for faithful
3 performance of the contract with surety or sureties
4 satisfactory to the Authority and adequate insurance may be
5 required in reasonable amounts to be fixed by the Authority
6 before advertising for bids.

7 (i) The contract shall be awarded as promptly as possible
8 after the opening of bids. The bid of the successful bidder, as
9 well as the bids of the unsuccessful bidders, shall be placed
10 on file and be open to public inspection. All bids shall be
11 void if any disclosure of the terms of any bid in response to
12 an advertisement is made or permitted to be made by the
13 Authority before the time fixed for opening bids.

14 Section 130. Affirmative action and equal opportunity
15 obligations of Authority.

16 (a) The Authority shall establish and maintain an
17 affirmative action program designed to promote equal
18 employment and management opportunity and eliminate the
19 effects of past discrimination in the City and the State. The
20 program shall include a plan, including timetables where
21 appropriate, which shall specify goals and methods for
22 increasing participation by women and minorities in employment
23 and management by the Authority and by parties that contract
24 with the Authority. The program shall also establish procedures
25 and sanctions (including debarment), which the Authority shall
26 enforce to ensure compliance with the plan established pursuant
27 to this Section and with State and federal laws and regulations
28 relating to the employment of women and minorities. A
29 determination by the Authority as to whether a party to a
30 contract with the Authority has achieved the goals or employed
31 the methods for increasing participation by women and
32 minorities shall be made in accordance with the terms of such
33 contracts or the applicable provisions of rules and regulations

1 existing at the time the contract was executed, including any
2 provisions for consideration of good faith efforts at
3 compliance that the Authority may reasonably adopt.

4 (b) The Authority shall adopt and maintain minority and
5 female owned business enterprise procurement programs under
6 the affirmative action program described in subsection (a) for
7 any and all work undertaken by the Authority and for the
8 development and management of any casino owned by the City.
9 That work shall include, but is not limited to, the purchase of
10 professional services, construction services, supplies,
11 materials, and equipment. The programs shall establish goals of
12 awarding not less than 25% of the annual dollar value of all
13 contracts, including but not limited to management and
14 development contracts, purchase orders, and other agreements
15 (collectively referred to as "contracts"), to minority owned
16 businesses and 5% of the annual dollar value of all contracts
17 to female owned businesses. Without limiting the generality of
18 the foregoing, the programs shall require, in connection with
19 the prequalification or consideration of vendors for
20 professional service contracts, construction contracts,
21 contracts for supplies, materials, equipment, and services,
22 and development and management contracts that each proposer or
23 bidder submit as part of his or her proposal or bid a
24 commitment detailing how he or she will expend 25% or more of
25 the dollar value of his or her contracts with one or more
26 minority owned businesses and 5% or more of the dollar value
27 with one or more female owned businesses. Bids or proposals
28 that do not include such detailed commitments are not
29 responsive and shall be rejected unless the Authority deems it
30 appropriate to grant a waiver of these requirements. The
31 commitment to minority and female owned business participation
32 may be met by the contractor's, professional service
33 provider's, developer's, or manager's status as a minority or
34 female owned business, by joint venture, by subcontracting a

1 portion of the work with or purchasing materials for the work
2 from one or more such businesses, or by any combination
3 thereof. Each contract shall require the contractor, provider,
4 developer, or manager to submit a certified monthly report
5 detailing the status of its compliance with the Authority's
6 minority and female owned business enterprise procurement
7 program. If, in connection with a particular contract, the
8 Authority determines that it is impracticable or excessively
9 costly to obtain minority or female owned businesses to perform
10 sufficient work to fulfill the commitment required by this
11 subsection (b), the Authority shall reduce or waive the
12 commitment in the contract, as may be appropriate. The
13 Authority shall establish rules setting forth the standards to
14 be used in determining whether or not a reduction or waiver is
15 appropriate. The terms "minority owned business" and "female
16 owned business" have the meanings given to those terms in the
17 Business Enterprise for Minorities, Females, and Persons with
18 Disabilities Act.

19 (c) The Authority is authorized to enter into agreements
20 with contractors' associations, labor unions, and the
21 contractors working on the development of the casino to
22 establish an apprenticeship preparedness training program to
23 provide for an increase in the number of minority and female
24 journeymen and apprentices in the building trades and to enter
25 into agreements with community college districts or other
26 public or private institutions to provide readiness training.
27 The Authority is further authorized to enter into contracts
28 with public and private educational institutions and persons in
29 the gaming, entertainment, hospitality, and tourism industries
30 to provide training for employment in those industries.

31 Section 135. Advisory Committee. An Advisory Committee is
32 established to monitor, review, and report on (1) the City's
33 utilization of minority-owned business enterprises and

1 female-owned business enterprises, (2) employment of females,
2 and (3) employment of minorities with regard to the development
3 and construction of the casino as authorized under Section
4 7(e-6) of the Riverboat and Casino Gambling Act. The City of
5 Chicago shall work with the Advisory Committee in accumulating
6 necessary information for the Committee to submit reports, as
7 necessary, to the General Assembly and to the City of Chicago.

8 The Committee shall consist of 13 members as provided in
9 this Section. Seven members shall be selected by the Mayor of
10 the City of Chicago; 2 members shall be selected by the
11 President of the Illinois Senate; 2 members shall be selected
12 by the Speaker of the House of Representatives; one member
13 shall be selected by the Minority Leader of the Senate; and one
14 member shall be selected by the Minority Leader of the House of
15 Representatives. The Advisory Committee shall meet
16 periodically and shall report the information to the Mayor of
17 the City and to the General Assembly by December 31st of every
18 year.

19 The Advisory Committee shall be dissolved on the date that
20 casino gambling operations are first conducted under the
21 license authorized under Section 7(e-6) of the Riverboat and
22 Casino Gambling Act, other than at a temporary facility.

23 For the purposes of this Section, the terms "female" and
24 "minority person" have the meanings provided in Section 2 of
25 the Business Enterprise for Minorities, Females, and Persons
26 with Disabilities Act.

27 Section 145. Severability. The provisions of this Act are
28 severable under Section 1.31 of the Statute on Statutes.

29 Section 900. The Alcoholism and Other Drug Abuse and
30 Dependency Act is amended by changing Section 5-20 as follows:

31 (20 ILCS 301/5-20)

1 Sec. 5-20. Compulsive gambling program.

2 (a) Subject to appropriation, the Department shall
3 establish a program for public education, research, and
4 training regarding problem and compulsive gambling and the
5 treatment and prevention of problem and compulsive gambling.
6 Subject to specific appropriation for these stated purposes,
7 the program must include all of the following:

8 (1) Establishment and maintenance of a toll-free "800"
9 telephone number to provide crisis counseling and referral
10 services to families experiencing difficulty as a result of
11 problem or compulsive gambling.

12 (2) Promotion of public awareness regarding the
13 recognition and prevention of problem and compulsive
14 gambling.

15 (3) Facilitation, through in-service training and
16 other means, of the availability of effective assistance
17 programs for problem and compulsive gamblers.

18 (4) Conducting studies to identify adults and
19 juveniles in this State who are, or who are at risk of
20 becoming, problem or compulsive gamblers.

21 (b) Subject to appropriation, the Department shall either
22 establish and maintain the program or contract with a private
23 or public entity for the establishment and maintenance of the
24 program. Subject to appropriation, either the Department or the
25 private or public entity shall implement the toll-free
26 telephone number, promote public awareness, and conduct
27 in-service training concerning problem and compulsive
28 gambling.

29 (c) Subject to appropriation, the Department shall produce
30 and supply the signs specified in Section 10.7 of the Illinois
31 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of
32 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1
33 of the Charitable Games Act, and Section 13.1 of the Riverboat
34 and Casino Gambling Act.

1 (Source: P.A. 89-374, eff. 1-1-96; 89-626, eff. 8-9-96.)

2 Section 905. The Department of Revenue Law of the Civil
3 Administrative Code of Illinois is amended by changing Section
4 2505-305 as follows:

5 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

6 Sec. 2505-305. Investigators.

7 (a) The Department has the power to appoint investigators
8 to conduct all investigations, searches, seizures, arrests,
9 and other duties imposed under the provisions of any law
10 administered by the Department or the Illinois Gaming Board.
11 Except as provided in subsection (c), these investigators have
12 and may exercise all the powers of peace officers solely for
13 the purpose of enforcing taxing measures administered by the
14 Department or the Illinois Gaming Board.

15 (b) The Director must authorize to each investigator
16 employed under this Section and to any other employee of the
17 Department exercising the powers of a peace officer a distinct
18 badge that, on its face, (i) clearly states that the badge is
19 authorized by the Department and (ii) contains a unique
20 identifying number. No other badge shall be authorized by the
21 Department.

22 (c) Investigators appointed under this Section who are
23 assigned to the Illinois Gaming Board have and may exercise all
24 the rights and powers of peace officers, provided that these
25 powers shall be limited to offenses or violations occurring or
26 committed on a riverboat or dock or in a casino, as defined in
27 ~~subsections (d) and (f) of~~ Section 4 of the Riverboat and
28 Casino Gambling Act.

29 (Source: P.A. 91-239, eff. 1-1-00; 91-883, eff. 1-1-01; 92-493,
30 eff. 1-1-02.)

31 Section 908. The State Finance Act is amended by changing

1 Section 8a as follows:

2 (30 ILCS 105/8a) (from Ch. 127, par. 144a)

3 Sec. 8a. Common School Fund; transfers to Common School
4 Fund and Education Assistance Fund.

5 (a) Except as provided in subsection (b) of this Section
6 and except as otherwise provided in this subsection (a) with
7 respect to amounts transferred from the General Revenue Fund to
8 the Common School Fund for distribution therefrom for the
9 benefit of the Teachers' Retirement System of the State of
10 Illinois and the Public School Teachers' Pension and Retirement
11 Fund of Chicago:

12 (1) With respect to all school districts, for each
13 fiscal year other than fiscal year 1994, on or before the
14 eleventh and twenty-first days of each of the months of
15 August through the following July, at a time or times
16 designated by the Governor, the State Treasurer and the
17 State Comptroller shall transfer from the General Revenue
18 Fund to the Common School Fund and Education Assistance
19 Fund, as appropriate, 1/24 or so much thereof as may be
20 necessary of the amount appropriated to the State Board of
21 Education for distribution to all school districts from
22 such Common School Fund and Education Assistance Fund, for
23 the fiscal year, including interest on the School Fund
24 proportionate for that distribution for such year.

25 (2) With respect to all school districts, but for
26 fiscal year 1994 only, on the 11th day of August, 1993 and
27 on or before the 11th and 21st days of each of the months
28 of October, 1993 through July, 1994 at a time or times
29 designated by the Governor, the State Treasurer and the
30 State Comptroller shall transfer from the General Revenue
31 Fund to the Common School Fund 1/24 or so much thereof as
32 may be necessary of the amount appropriated to the State
33 Board of Education for distribution to all school districts

1 from such Common School Fund, for fiscal year 1994,
2 including interest on the School Fund proportionate for
3 that distribution for such year; and on or before the 21st
4 day of August, 1993 at a time or times designated by the
5 Governor, the State Treasurer and the State Comptroller
6 shall transfer from the General Revenue Fund to the Common
7 School Fund 3/24 or so much thereof as may be necessary of
8 the amount appropriated to the State Board of Education for
9 distribution to all school districts from the Common School
10 Fund, for fiscal year 1994, including interest
11 proportionate for that distribution on the School Fund for
12 such fiscal year.

13 The amounts of the payments made in July of each year: (i)
14 shall be considered an outstanding liability as of the 30th day
15 of June immediately preceding those July payments, within the
16 meaning of Section 25 of this Act; (ii) shall be payable from
17 the appropriation for the fiscal year that ended on that 30th
18 day of June; and (iii) shall be considered payments for claims
19 covering the school year that commenced during the immediately
20 preceding calendar year.

21 Notwithstanding the foregoing provisions of this
22 subsection, as soon as may be after the 10th and 20th days of
23 each of the months of August through May, 1/24, and on or as
24 soon as may be after the 10th and 20th days of June, 1/12 of the
25 annual amount appropriated to the State Board of Education for
26 distribution and payment during that fiscal year from the
27 Common School Fund to and for the benefit of the Teachers'
28 Retirement System of the State of Illinois (until the end of
29 State fiscal year 1995) and the Public School Teachers' Pension
30 and Retirement Fund of Chicago as provided by the Illinois
31 Pension Code and Section 18-7 of the School Code, or so much
32 thereof as may be necessary, shall be transferred by the State
33 Treasurer and the State Comptroller from the General Revenue
34 Fund to the Common School Fund to permit semi-monthly payments

1 from the Common School Fund to and for the benefit of such
2 teacher retirement systems as required by Section 18-7 of the
3 School Code.

4 Notwithstanding the other provisions of this Section, on or
5 as soon as may be after the 15th day of each month, beginning
6 in July of 1995, 1/12 of the annual amount appropriated for
7 that fiscal year from the Common School Fund to the Teachers'
8 Retirement System of the State of Illinois (other than amounts
9 appropriated under Section 1.1 of the State Pension Funds
10 Continuing Appropriation Act), or so much thereof as may be
11 necessary, shall be transferred by the State Treasurer and the
12 State Comptroller from the General Revenue Fund to the Common
13 School Fund to permit monthly payments from the Common School
14 Fund to that retirement system in accordance with Section
15 16-158 of the Illinois Pension Code and Section 18-7 of the
16 School Code, except that such transfers in fiscal year 2004
17 from the General Revenue Fund to the Common School Fund for the
18 benefit of the Teachers' Retirement System of the State of
19 Illinois shall be reduced in the aggregate by the State
20 Comptroller and State Treasurer to adjust for the amount
21 transferred to the Teachers' Retirement System of the State of
22 Illinois pursuant to subsection (a) of Section 6z-61. Amounts
23 appropriated to the Teachers' Retirement System of the State of
24 Illinois under Section 1.1 of the State Pension Funds
25 Continuing Appropriation Act shall be transferred by the State
26 Treasurer and the State Comptroller from the General Revenue
27 Fund to the Common School Fund as necessary to provide for the
28 payment of vouchers drawn against those appropriations.

29 The Governor may notify the State Treasurer and the State
30 Comptroller to transfer, at a time designated by the Governor,
31 such additional amount as may be necessary to effect advance
32 distribution to school districts of amounts that otherwise
33 would be payable in the next month pursuant to Sections 18-8
34 through 18-10 of the School Code. The State Treasurer and the

1 State Comptroller shall thereupon transfer such additional
2 amount. The aggregate amount transferred from the General
3 Revenue Fund to the Common School Fund in the eleven months
4 beginning August 1 of any fiscal year shall not be in excess of
5 the amount necessary for payment of claims certified by the
6 State Superintendent of Education pursuant to the
7 appropriation of the Common School Fund for that fiscal year.
8 Notwithstanding the provisions of the first paragraph in this
9 section, no transfer to effect an advance distribution shall be
10 made in any month except on notification, as provided above, by
11 the Governor.

12 The State Comptroller and State Treasurer shall transfer
13 from the General Revenue Fund to the Common School Fund and the
14 Education Assistance Fund such amounts as may be required to
15 honor the vouchers presented by the State Board of Education
16 pursuant to Sections 18-3, 18-4.3, 18-5, 18-6 and 18-7 of the
17 School Code.

18 The State Comptroller shall report all transfers provided
19 for in this Act to the President of the Senate, Minority Leader
20 of the Senate, Speaker of the House, and Minority Leader of the
21 House.

22 (b) On or before the 11th and 21st days of each of the
23 months of June, 1982 through July, 1983, at a time or times
24 designated by the Governor, the State Treasurer and the State
25 Comptroller shall transfer from the General Revenue Fund to the
26 Common School Fund 1/24 or so much thereof as may be necessary
27 of the amount appropriated to the State Board of Education for
28 distribution from such Common School Fund, for that same fiscal
29 year, including interest on the School Fund for such year. The
30 amounts of the payments in the months of July, 1982 and July,
31 1983 shall be considered an outstanding liability as of the
32 30th day of June immediately preceding such July payment,
33 within the meaning of Section 25 of this Act, and shall be
34 payable from the appropriation for the fiscal year which ended

1 on such 30th day of June, and such July payments shall be
2 considered payments for claims covering school years 1981-1982
3 and 1982-1983 respectively.

4 In the event the Governor makes notification to effect
5 advanced distribution under the provisions of subsection (a) of
6 this Section, the aggregate amount transferred from the General
7 Revenue Fund to the Common School Fund in the 12 months
8 beginning August 1, 1981 or the 12 months beginning August 1,
9 1982 shall not be in excess of the amount necessary for payment
10 of claims certified by the State Superintendent of Education
11 pursuant to the appropriation of the Common School Fund for the
12 fiscal years commencing on the first of July of the years 1981
13 and 1982.

14 (c) In determining amounts to be transferred from the
15 General Revenue Fund to the Education Assistance Fund, the
16 amount of moneys transferred from the State Gaming Fund to the
17 Education Assistance Fund shall be disregarded. The amounts
18 transferred from the General Revenue Fund shall not be
19 decreased as an adjustment for any amounts transferred from the
20 State Gaming Fund to the Education Assistance Fund.

21 (Source: P.A. 93-665, eff. 3-5-04.)

22 Section 910. The Tobacco Products Tax Act of 1995 is
23 amended by changing Section 99-99 as follows:

24 (35 ILCS 143/99-99)

25 Sec. 99-99. Effective date. This Section, Sections 10-1
26 through 10-90 of this Act, the changes to the Illinois
27 Administrative Procedure Act, the changes to the State
28 Employees Group Insurance Act of 1971, the changes to Sec. 5 of
29 the Children and Family Services Act, the changes to Sec. 8.27
30 of the State Finance Act, the changes to Secs. 16-136.2,
31 16-153.2, and 17-156.3 of the Illinois Pension Code, Sec. 8.19
32 of the State Mandates Act, the changes to Sec. 8.2 of the

1 Abused and Neglected Child Reporting Act, and the changes to
2 the Unemployment Insurance Act take effect upon becoming law.

3 The following provisions take effect July 1, 1995: the
4 changes to the Illinois Act on the Aging and the Civil
5 Administrative Code of Illinois; the changes to Secs. 7 and
6 8a-13 of the Children and Family Services Act; the changes to
7 the Disabled Persons Rehabilitation Act; Secs. 5.408, 5.409,
8 6z-39, and 6z-40 and the changes to Sec. 8.16 of the State
9 Finance Act; the changes to the State Prompt Payment Act, the
10 Illinois Income Tax Act, and Sec. 16-133.3 of the Illinois
11 Pension Code; Sec. 2-3.117 and the changes to Secs. 14-7.02 and
12 14-15.01 of the School Code; Sec. 2-201.5 of the Nursing Home
13 Care Act; the changes to the Child Care Act of 1969 and the
14 Riverboat and Casino Gambling Act; the changes to Secs. 3-1,
15 3-1a, 3-3, 3-4, 3-13, 5-2.1, 5-5, 5-5.02, 5-5.4, 5-13, 5-16.3,
16 5-16.5, 5A-2, 5A-3, 5C-2, 5C-7, 5D-1, 5E-10, 6-8, 6-11, 9-11,
17 12-4.4, 12-10.2, and 14-8 and the repeal of Sec. 9-11 of the
18 Illinois Public Aid Code; the changes to Sec. 3 of the Abused
19 and Neglected Child Reporting Act; and the changes to the
20 Juvenile Court Act of 1987, the Adoption Act, and the Probate
21 Act of 1975.

22 The remaining provisions of this Act take effect on the
23 uniform effective date as provided in the Effective Date of
24 Laws Act.

25 (Source: P.A. 89-21, eff. 6-6-95.)

26 Section 915. The Joliet Regional Port District Act is
27 amended by changing Section 5.1 as follows:

28 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

29 Sec. 5.1. Riverboat gambling. Notwithstanding any other
30 provision of this Act, the District may not regulate the
31 operation, conduct, or navigation of any riverboat gambling
32 casino licensed under the Riverboat and Casino Gambling Act,

1 and the District may not license, tax, or otherwise levy any
2 assessment of any kind on any riverboat gambling casino
3 licensed under the Riverboat and Casino Gambling Act. The
4 General Assembly declares that the powers to regulate the
5 operation, conduct, and navigation of riverboat gambling
6 casinos and to license, tax, and levy assessments upon
7 riverboat gambling casinos are exclusive powers of the State of
8 Illinois and the Illinois Gaming Board as provided in the
9 Riverboat and Casino Gambling Act.

10 (Source: P.A. 87-1175.)

11 Section 920. The Consumer Installment Loan Act is amended
12 by changing Section 12.5 as follows:

13 (205 ILCS 670/12.5)

14 Sec. 12.5. Limited purpose branch.

15 (a) Upon the written approval of the Director, a licensee
16 may maintain a limited purpose branch for the sole purpose of
17 making loans as permitted by this Act. A limited purpose branch
18 may include an automatic loan machine. No other activity shall
19 be conducted at the site, including but not limited to,
20 accepting payments, servicing the accounts, or collections.

21 (b) The licensee must submit an application for a limited
22 purpose branch to the Director on forms prescribed by the
23 Director with an application fee of \$300. The approval for the
24 limited purpose branch must be renewed concurrently with the
25 renewal of the licensee's license along with a renewal fee of
26 \$300 for the limited purpose branch.

27 (c) The books, accounts, records, and files of the limited
28 purpose branch's transactions shall be maintained at the
29 licensee's licensed location. The licensee shall notify the
30 Director of the licensed location at which the books, accounts,
31 records, and files shall be maintained.

32 (d) The licensee shall prominently display at the limited

1 purpose branch the address and telephone number of the
2 licensee's licensed location.

3 (e) No other business shall be conducted at the site of the
4 limited purpose branch unless authorized by the Director.

5 (f) The Director shall make and enforce reasonable rules
6 for the conduct of a limited purpose branch.

7 (g) A limited purpose branch may not be located within
8 1,000 feet of a facility operated by an inter-track wagering
9 licensee or an organization licensee subject to the Illinois
10 Horse Racing Act of 1975, on a riverboat or in a casino subject
11 to the Riverboat and Casino Gambling Act, or within 1,000 feet
12 of the location at which the riverboat docks or within 1,000
13 feet of a casino.

14 (Source: P.A. 90-437, eff. 1-1-98.)

15 Section 930. The Riverboat Gambling Act is amended by
16 changing Sections 1, 2, 3, 4, 5, 6, 7, 7.1, 7.3, 7.4, 8, 9, 10,
17 11, 11.1, 12, 13, 14, 18, 20, and 23 and adding Section 5.2 as
18 follows:

19 (230 ILCS 10/1) (from Ch. 120, par. 2401)

20 Sec. 1. Short title. This Act shall be known and may be
21 cited as the Riverboat and Casino Gambling Act.

22 (Source: P.A. 86-1029.)

23 (230 ILCS 10/2) (from Ch. 120, par. 2402)

24 Sec. 2. Legislative Intent.

25 (a) This Act is intended to benefit the people of the State
26 of Illinois by assisting economic development and promoting
27 Illinois tourism and by increasing the amount of revenues
28 available to the State to assist and support education.

29 (b) While authorization of riverboat and casino gambling
30 will enhance investment, development and tourism in Illinois,
31 it is recognized that it will do so successfully only if public

1 confidence and trust in the credibility and integrity of the
2 gambling operations and the regulatory process is maintained.
3 Therefore, regulatory provisions of this Act are designed to
4 strictly regulate the facilities, persons, associations and
5 practices related to gambling operations pursuant to the police
6 powers of the State, including comprehensive law enforcement
7 supervision.

8 (c) The Illinois Gaming Board established under this Act
9 should, as soon as possible, inform each applicant for an
10 owners license of the Board's intent to grant or deny a
11 license.

12 (Source: P.A. 93-28, eff. 6-20-03.)

13 (230 ILCS 10/3) (from Ch. 120, par. 2403)

14 Sec. 3. ~~Riverboat~~ Gambling Authorized.

15 (a) Riverboat and casino gambling operations ~~and the system~~
16 ~~of wagering incorporated therein~~, as defined in this Act, are
17 hereby authorized to the extent that they are carried out in
18 accordance with the provisions of this Act.

19 (b) This Act does not apply to the pari-mutuel system of
20 wagering used or intended to be used in connection with the
21 horse-race meetings as authorized under the Illinois Horse
22 Racing Act of 1975, lottery games authorized under the Illinois
23 Lottery Law, bingo authorized under the Bingo License and Tax
24 Act, charitable games authorized under the Charitable Games Act
25 or pull tabs and jar games conducted under the Illinois Pull
26 Tabs and Jar Games Act.

27 (c) Riverboat gambling conducted pursuant to this Act may
28 be authorized upon any water within the State of Illinois or
29 any water other than Lake Michigan which constitutes a boundary
30 of the State of Illinois. Notwithstanding any provision in this
31 subsection (c) to the contrary, a licensee that receives its
32 license pursuant to subsection (e-5) of Section 7 authorizing
33 its holder to conduct riverboat gambling from a home dock in

1 any county North of Cook County may conduct riverboat gambling
2 on Lake Michigan from a home dock located on Lake Michigan.
3 Notwithstanding any provision in this subsection (c) to the
4 contrary, a licensee may conduct gambling at its home dock
5 facility as provided in Sections 7 and 11. A licensee may
6 conduct riverboat gambling authorized under this Act
7 regardless of whether it conducts excursion cruises. A licensee
8 may permit the continuous ingress and egress of passengers for
9 the purpose of gambling.

10 (Source: P.A. 91-40, eff. 6-25-99.)

11 (230 ILCS 10/4) (from Ch. 120, par. 2404)

12 Sec. 4. Definitions. As used in this Act:

13 "Authority" means the Chicago Casino Development Authority
14 created under the Chicago Casino Development Authority Act.

15 ~~(a)~~ "Board" means the Illinois Gaming Board.

16 "Casino" means a land-based facility located within a
17 municipality with a population of more than 500,000 inhabitants
18 at which lawful gambling is authorized and licensed as provided
19 in this Act. "Casino" includes any temporary land-based or
20 river-based facility at which lawful gambling is authorized and
21 licensed as provided in this Act. "Casino" does not include any
22 ancillary facilities such as hotels, restaurants, retail
23 facilities, conference rooms, parking areas, entertainment
24 venues, or other facilities at which gambling operations are
25 not conducted.

26 "Casino operator" means any person or entity that manages
27 casino gambling operations conducted by the Authority under
28 subsection (e-6) of Section 7.

29 "Casino operators license" means a license issued by the
30 Board to a person or entity to manage casino gambling
31 operations conducted by the Authority pursuant to subsection
32 (e-6) of Section 7.

33 ~~(b)~~ "Occupational license" means a license issued by the

1 Board to a person or entity to perform an occupation which the
2 Board has identified as requiring a license to engage in
3 riverboat or casino gambling in Illinois.

4 ~~(e)~~ "Gambling game" includes, but is not limited to,
5 baccarat, twenty-one, poker, craps, slot machine, video game of
6 chance, roulette wheel, klondike table, punchboard, faro
7 layout, keno layout, numbers ticket, push card, jar ticket, or
8 pull tab which is authorized by the Board as a wagering device
9 under this Act.

10 ~~(d)~~ "Riverboat" means a self-propelled excursion boat, a
11 permanently moored barge, or permanently moored barges that are
12 permanently fixed together to operate as one vessel, on which
13 lawful gambling is authorized and licensed as provided in this
14 Act.

15 ~~(e)~~ "Managers license" means a license issued by the Board
16 to a person or entity to manage gambling operations conducted
17 by the State pursuant to Section 7.3 ~~7.2~~.

18 ~~(f)~~ "Dock" means the location where a riverboat moors for
19 the purpose of embarking passengers for and disembarking
20 passengers from the riverboat.

21 ~~(g)~~ "Whole gaming ~~Gross~~ receipts" means the total amount of
22 money exchanged for the purchase of chips, tokens or electronic
23 cards by riverboat or casino patrons.

24 ~~(h)~~ "Gross gaming ~~Adjusted gross~~ receipts" means the whole
25 gaming ~~gross~~ receipts less winnings paid to wagerers.

26 ~~(i)~~ "Cheat" means to alter the selection of criteria which
27 determine the result of a gambling game or the amount or
28 frequency of payment in a gambling game.

29 ~~(j)~~ "Department" means the Department of Revenue.

30 ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~
31 gambling games authorized under this Act upon a riverboat or in
32 a casino.

33 ~~(l)~~ "License bid" means the lump sum amount of money that
34 an applicant bids and agrees to pay the State, or which is paid

1 by the Authority, in return for an owners license that is
2 re-issued on or after July 1, 2003.

3 ~~(m)~~ The terms "minority person" and "female" shall have the
4 same meaning as defined in Section 2 of the Business Enterprise
5 for Minorities, Females, and Persons with Disabilities Act.

6 "Owners license" means a license to conduct riverboat
7 gambling operations or casino gambling operations.

8 "Licensed owner" means a person who holds an owners
9 license.

10 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;
11 revisory 1-28-04.)

12 (230 ILCS 10/5) (from Ch. 120, par. 2405)

13 Sec. 5. Gaming Board.

14 (a) (1) There is hereby established within the Department
15 of Revenue an Illinois Gaming Board which shall have the powers
16 and duties specified in this Act, and all other powers
17 necessary and proper to fully and effectively execute this Act
18 for the purpose of administering, regulating, and enforcing the
19 system of riverboat and casino gambling established by this
20 Act. Its jurisdiction shall extend under this Act to every
21 person, association, corporation, partnership and trust
22 involved in riverboat and casino gambling operations in the
23 State of Illinois.

24 (2) The Board shall consist of 5 members to be appointed by
25 the Governor with the advice and consent of the Senate, one of
26 whom shall be designated by the Governor to be chairperson
27 ~~chairman~~. Each member shall have a reasonable knowledge of the
28 practice, procedure and principles of gambling operations.
29 Each member shall either be a resident of Illinois or shall
30 certify that he or she will become a resident of Illinois
31 before taking office. At least one member shall be experienced
32 in law enforcement and criminal investigation, at least one
33 member shall be a certified public accountant experienced in

1 accounting and auditing, and at least one member shall be a
2 lawyer licensed to practice law in Illinois.

3 (3) The terms of office of the Board members shall be 3
4 years, except that the terms of office of the initial Board
5 members appointed pursuant to this Act will commence from the
6 effective date of this Act and run as follows: one for a term
7 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for
8 a term ending July 1, 1993. Upon the expiration of the
9 foregoing terms, the successors of such members shall serve a
10 term for 3 years and until their successors are appointed and
11 qualified for like terms. Vacancies in the Board shall be
12 filled for the unexpired term in like manner as original
13 appointments. Each member of the Board shall be eligible for
14 reappointment at the discretion of the Governor with the advice
15 and consent of the Senate.

16 (4) Each member of the Board shall receive \$300 for each
17 day the Board meets and for each day the member conducts any
18 hearing pursuant to this Act. Each member of the Board shall
19 also be reimbursed for all actual and necessary expenses and
20 disbursements incurred in the execution of official duties.

21 (5) No person shall be appointed a member of the Board or
22 continue to be a member of the Board who is, or whose spouse,
23 child or parent is, a member of the board of directors of, or a
24 person financially interested in, any gambling operation
25 subject to the jurisdiction of this Board, or any race track,
26 race meeting, racing association or the operations thereof
27 subject to the jurisdiction of the Illinois Racing Board. No
28 Board member shall hold any other public office for which he
29 shall receive compensation other than necessary travel or other
30 incidental expenses. No person shall be a member of the Board
31 who is not of good moral character or who has been convicted
32 of, or is under indictment for, a felony under the laws of
33 Illinois or any other state, or the United States.

34 (6) Any member of the Board may be removed by the Governor

1 for neglect of duty, misfeasance, malfeasance, or nonfeasance
2 in office.

3 (7) Before entering upon the discharge of the duties of his
4 office, each member of the Board shall take an oath that he
5 will faithfully execute the duties of his office according to
6 the laws of the State and the rules and regulations adopted
7 therewith and shall give bond to the State of Illinois,
8 approved by the Governor, in the sum of \$25,000. Every such
9 bond, when duly executed and approved, shall be recorded in the
10 office of the Secretary of State. Whenever the Governor
11 determines that the bond of any member of the Board has become
12 or is likely to become invalid or insufficient, he shall
13 require such member forthwith to renew his bond, which is to be
14 approved by the Governor. Any member of the Board who fails to
15 take oath and give bond within 30 days from the date of his
16 appointment, or who fails to renew his bond within 30 days
17 after it is demanded by the Governor, shall be guilty of
18 neglect of duty and may be removed by the Governor. The cost of
19 any bond given by any member of the Board under this Section
20 shall be taken to be a part of the necessary expenses of the
21 Board.

22 (8) Upon the request of the Board, the Department shall
23 employ such personnel as may be necessary to carry out the
24 functions of the Board. No person shall be employed to serve
25 the Board who is, or whose spouse, parent or child is, an
26 official of, or has a financial interest in or financial
27 relation with, any operator engaged in gambling operations
28 within this State or any organization engaged in conducting
29 horse racing within this State. Any employee violating these
30 prohibitions shall be subject to termination of employment.

31 (9) An Administrator shall perform any and all duties that
32 the Board shall assign him. The salary of the Administrator
33 shall be determined by the Board and approved by the Director
34 of the Department and, in addition, he shall be reimbursed for

1 all actual and necessary expenses incurred by him in discharge
2 of his official duties. The Administrator shall keep records of
3 all proceedings of the Board and shall preserve all records,
4 books, documents and other papers belonging to the Board or
5 entrusted to its care. The Administrator shall devote his full
6 time to the duties of the office and shall not hold any other
7 office or employment.

8 (b) The Board shall have general responsibility for the
9 implementation of this Act. Its duties include, without
10 limitation, the following:

11 (1) To decide promptly and in reasonable order all
12 license applications. Any party aggrieved by an action of
13 the Board denying, suspending, revoking, restricting or
14 refusing to renew a license may request a hearing before
15 the Board. A request for a hearing must be made to the
16 Board in writing within 5 days after service of notice of
17 the action of the Board. Notice of the action of the Board
18 shall be served either by personal delivery or by certified
19 mail, postage prepaid, to the aggrieved party. Notice
20 served by certified mail shall be deemed complete on the
21 business day following the date of such mailing. The Board
22 shall conduct all requested hearings promptly and in
23 reasonable order;

24 (2) To conduct all hearings pertaining to civil
25 violations of this Act or rules and regulations promulgated
26 hereunder;

27 (3) To promulgate such rules and regulations as in its
28 judgment may be necessary to protect or enhance the
29 credibility and integrity of gambling operations
30 authorized by this Act and the regulatory process
31 hereunder;

32 (4) To provide for the establishment and collection of
33 all license and registration fees and taxes imposed by this
34 Act and the rules and regulations issued pursuant hereto.

1 All such fees and taxes shall be deposited into the State
2 Gaming Fund;

3 (5) To provide for the levy and collection of penalties
4 and fines for the violation of provisions of this Act and
5 the rules and regulations promulgated hereunder. All such
6 fines and penalties shall be deposited into the Education
7 Assistance Fund, created by Public Act 86-0018, of the
8 State of Illinois;

9 (6) To be present through its inspectors and agents any
10 time gambling operations are conducted on any riverboat or
11 in any casino for the purpose of certifying the revenue
12 thereof, receiving complaints from the public, and
13 conducting such other investigations into the conduct of
14 the gambling games and the maintenance of the equipment as
15 from time to time the Board may deem necessary and proper;

16 (7) To review and rule upon any complaint by a licensee
17 regarding any investigative procedures of the State which
18 are unnecessarily disruptive of gambling operations. The
19 need to inspect and investigate shall be presumed at all
20 times. The disruption of a licensee's operations shall be
21 proved by clear and convincing evidence, and establish
22 that: (A) the procedures had no reasonable law enforcement
23 purposes, and (B) the procedures were so disruptive as to
24 unreasonably inhibit gambling operations;

25 (8) To hold at least one meeting each quarter of the
26 fiscal year. In addition, special meetings may be called by
27 the chairperson ~~Chairman~~ or any 2 Board members upon 72
28 hours written notice to each member. All Board meetings
29 shall be subject to the Open Meetings Act. Three members of
30 the Board shall constitute a quorum, and 3 votes shall be
31 required for any final determination by the Board. The
32 Board shall keep a complete and accurate record of all its
33 meetings. A majority of the members of the Board shall
34 constitute a quorum for the transaction of any business,

1 for the performance of any duty, or for the exercise of any
2 power which this Act requires the Board members to
3 transact, perform or exercise en banc, except that, upon
4 order of the Board, one of the Board members or an
5 administrative law judge designated by the Board may
6 conduct any hearing provided for under this Act or by Board
7 rule and may recommend findings and decisions to the Board.
8 The Board member or administrative law judge conducting
9 such hearing shall have all powers and rights granted to
10 the Board in this Act. The record made at the time of the
11 hearing shall be reviewed by the Board, or a majority
12 thereof, and the findings and decision of the majority of
13 the Board shall constitute the order of the Board in such
14 case;

15 (9) To maintain records which are separate and distinct
16 from the records of any other State board or commission.
17 Such records shall be available for public inspection and
18 shall accurately reflect all Board proceedings;

19 (10) To file a written annual report with the Governor
20 on or before March 1 each year and such additional reports
21 as the Governor may request. The annual report shall
22 include a statement of receipts and disbursements by the
23 Board, actions taken by the Board, and any additional
24 information and recommendations which the Board may deem
25 valuable or which the Governor may request;

26 (11) (Blank); and

27 (12) To assume responsibility for the administration
28 and enforcement of the Bingo License and Tax Act, the
29 Charitable Games Act, and the Pull Tabs and Jar Games Act
30 if such responsibility is delegated to it by the Director
31 of Revenue.

32 (c) The Board shall have jurisdiction over and shall
33 supervise all gambling operations governed by this Act. The
34 Board shall have all powers necessary and proper to fully and

1 effectively execute the provisions of this Act, including, but
2 not limited to, the following:

3 (1) To investigate applicants and determine the
4 eligibility of applicants for licenses and to select among
5 competing applicants the applicants which best serve the
6 interests of the citizens of Illinois.

7 (2) To have jurisdiction and supervision over all
8 ~~riverboat~~ gambling operations authorized under this Act in
9 ~~this State~~ and all persons in places on riverboats where
10 gambling operations are conducted.

11 (3) To promulgate rules and regulations for the purpose
12 of administering the provisions of this Act and to
13 prescribe rules, regulations and conditions under which
14 all ~~riverboat~~ gambling operations subject to this Act in
15 ~~the State~~ shall be conducted. Such rules and regulations
16 are to provide for the prevention of practices detrimental
17 to the public interest and for the best interests of
18 ~~riverboat~~ gambling, including rules and regulations
19 regarding the inspection of ~~such~~ riverboats and casinos and
20 the review of any permits or licenses necessary to operate
21 a riverboat or casino under any laws or regulations
22 applicable to riverboats and casinos, and to impose
23 penalties for violations thereof.

24 (4) To enter the office, riverboats, and other
25 facilities, or other places of business of a licensee,
26 where evidence of the compliance or noncompliance with the
27 provisions of this Act is likely to be found.

28 (5) To investigate alleged violations of this Act or
29 the rules of the Board and to take appropriate disciplinary
30 action against a licensee or a holder of an occupational
31 license for a violation, or institute appropriate legal
32 action for enforcement, or both.

33 (6) To adopt standards for the licensing of all persons
34 under this Act, as well as for electronic or mechanical

1 gambling games, and to establish fees for such licenses.

2 (7) To adopt appropriate standards for all riverboats, casinos,
3 and other facilities authorized under this Act.

4 (8) To require that the records, including financial or
5 other statements of any licensee under this Act, shall be
6 kept in such manner as prescribed by the Board and that any
7 such licensee involved in the ownership or management of
8 gambling operations submit to the Board an annual balance
9 sheet and profit and loss statement, list of the
10 stockholders or other persons having a 1% or greater
11 beneficial interest in the gambling activities of each
12 licensee, and any other information the Board deems
13 necessary in order to effectively administer this Act and
14 all rules, regulations, orders and final decisions
15 promulgated under this Act.

16 (9) To conduct hearings, issue subpoenas for the
17 attendance of witnesses and subpoenas duces tecum for the
18 production of books, records and other pertinent documents
19 in accordance with the Illinois Administrative Procedure
20 Act, and to administer oaths and affirmations to the
21 witnesses, when, in the judgment of the Board, it is
22 necessary to administer or enforce this Act or the Board
23 rules.

24 (10) To prescribe a form to be used by any licensee
25 involved in the ownership or management of gambling
26 operations as an application for employment for their
27 employees.

28 (11) To revoke or suspend licenses, other than the
29 license issued to the Authority, as the Board may see fit
30 and in compliance with applicable laws of the State
31 regarding administrative procedures, and to review
32 applications for the renewal of licenses. The Board may
33 suspend an owners license (other than the license issued to
34 the Authority), without notice or hearing, upon a

1 determination that the safety or health of patrons or
2 employees is jeopardized by continuing a gambling
3 operation conducted under that license ~~a riverboat's~~
4 ~~operation~~. The suspension may remain in effect until the
5 Board determines that the cause for suspension has been
6 abated. The Board may revoke the owners license (other than
7 the license issued to the Authority) upon a determination
8 that the licensee ~~owner~~ has not made satisfactory progress
9 toward abating the hazard.

10 (12) To eject or exclude or authorize the ejection or
11 exclusion of, any person from ~~riverboat~~ gambling
12 facilities where that ~~such~~ person is in violation of this
13 Act, rules and regulations thereunder, or final orders of
14 the Board, or where such person's conduct or reputation is
15 such that his or her presence within the ~~riverboat~~ gambling
16 facilities may, in the opinion of the Board, call into
17 question the honesty and integrity of the gambling
18 operations or interfere with the orderly conduct thereof;
19 provided that the propriety of such ejection or exclusion
20 is subject to subsequent hearing by the Board.

21 (13) To require all licensees of gambling operations to
22 utilize a cashless wagering system whereby all players'
23 money is converted to tokens, electronic cards, or chips
24 which shall be used only for wagering in the gambling
25 establishment.

26 (14) (Blank).

27 (15) To suspend, revoke or restrict licenses (other
28 than the license issued to the Authority), to require the
29 removal of a licensee or an employee of a licensee for a
30 violation of this Act or a Board rule or for engaging in a
31 fraudulent practice, and to impose civil penalties of up to
32 \$5,000 against individuals and up to \$10,000 or an amount
33 equal to the daily whole gaming ~~gross~~ receipts, whichever
34 is larger, against licensees for each violation of any

1 provision of the Act, any rules adopted by the Board, any
2 order of the Board or any other action which, in the
3 Board's discretion, is a detriment or impediment to
4 ~~riverboat~~ gambling operations.

5 (16) To hire employees to gather information, conduct
6 investigations and carry out any other tasks contemplated
7 under this Act.

8 (17) To establish minimum levels of insurance to be
9 maintained by licensees.

10 (18) To authorize a licensee to sell or serve alcoholic
11 liquors, wine or beer as defined in the Liquor Control Act
12 of 1934 on board a riverboat or in a casino and to have
13 exclusive authority to establish the hours for sale and
14 consumption of alcoholic liquor on board a riverboat or in
15 a casino, notwithstanding any provision of the Liquor
16 Control Act of 1934 or any local ordinance, and regardless
17 of whether the riverboat or in a casino makes excursions.
18 The establishment of the hours for sale and consumption of
19 alcoholic liquor on board a riverboat or in a casino is an
20 exclusive power and function of the State. A home rule unit
21 may not establish the hours for sale and consumption of
22 alcoholic liquor on board a riverboat or in a casino. This
23 subdivision (18) amendatory Act of 1991 is a denial and
24 limitation of home rule powers and functions under
25 subsection (h) of Section 6 of Article VII of the Illinois
26 Constitution.

27 (19) After consultation with the U.S. Army Corps of
28 Engineers, to establish binding emergency orders upon the
29 concurrence of a majority of the members of the Board
30 regarding the navigability of water, relative to
31 excursions, in the event of extreme weather conditions,
32 acts of God or other extreme circumstances.

33 (20) To delegate the execution of any of its powers
34 under this Act for the purpose of administering and

1 enforcing this Act and its rules and regulations hereunder.

2 (21) To take any other action as may be reasonable or
3 appropriate to enforce this Act and rules and regulations
4 hereunder.

5 (d) The Board may seek and shall receive the cooperation of
6 the Department of State Police in conducting background
7 investigations of applicants and in fulfilling its
8 responsibilities under this Section. Costs incurred by the
9 Department of State Police as a result of such cooperation
10 shall be paid by the Board in conformance with the requirements
11 of Section 2605-400 of the Department of State Police Law (20
12 ILCS 2605/2605-400).

13 (e) The Board must authorize to each investigator and to
14 any other employee of the Board exercising the powers of a
15 peace officer a distinct badge that, on its face, (i) clearly
16 states that the badge is authorized by the Board and (ii)
17 contains a unique identifying number. No other badge shall be
18 authorized by the Board.

19 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 91-883,
20 eff. 1-1-01.)

21 (230 ILCS 10/5.2 new)

22 Sec. 5.2. Enforcement and investigations. Notwithstanding
23 any provision in this Act to the contrary, all duties related
24 to investigations under this Act and the enforcement of this
25 Act shall be divided equally between employees of the
26 Department of State Police and investigators employed by the
27 Department of Revenue.

28 (230 ILCS 10/6) (from Ch. 120, par. 2406)

29 Sec. 6. Application for Owners License.

30 (a) A qualified person, other than the Authority, may apply
31 to the Board for an owners license to conduct a riverboat
32 gambling operation as provided in this Act. The application

1 shall be made on forms provided by the Board and shall contain
2 such information as the Board prescribes, including but not
3 limited to the identity of the riverboat on which such gambling
4 operation is to be conducted and the exact location where such
5 riverboat will be docked, a certification that the riverboat
6 will be registered under this Act at all times during which
7 gambling operations are conducted on board, detailed
8 information regarding the ownership and management of the
9 applicant, and detailed personal information regarding the
10 applicant. Any application for an owners license to be
11 re-issued on or after June 1, 2003 shall also include the
12 applicant's license bid in a form prescribed by the Board.
13 Information provided on the application shall be used as a
14 basis for a thorough background investigation which the Board
15 shall conduct with respect to each applicant. An incomplete
16 application shall be cause for denial of a license by the
17 Board.

18 (b) Applicants shall submit with their application all
19 documents, resolutions, and letters of support from the
20 governing body that represents the municipality or county
21 wherein the licensee will dock.

22 (c) Each applicant shall disclose the identity of every
23 person, association, trust or corporation having a greater than
24 1% direct or indirect pecuniary interest in the riverboat
25 gambling operation with respect to which the license is sought.
26 If the disclosed entity is a trust, the application shall
27 disclose the names and addresses of the beneficiaries; if a
28 corporation, the names and addresses of all stockholders and
29 directors; if a partnership, the names and addresses of all
30 partners, both general and limited.

31 (d) An application shall be filed with the Board by January
32 1 of the year preceding any calendar year for which an
33 applicant seeks an owners license; however, applications for an
34 owners license permitting operations on January 1, 1991 shall

1 be filed by July 1, 1990. An application fee of \$50,000 shall
2 be paid at the time of filing to defray the costs associated
3 with the background investigation conducted by the Board. If
4 the costs of the investigation exceed \$50,000, the applicant
5 shall pay the additional amount to the Board. If the costs of
6 the investigation are less than \$50,000, the applicant shall
7 receive a refund of the remaining amount. All information,
8 records, interviews, reports, statements, memoranda or other
9 data supplied to or used by the Board in the course of its
10 review or investigation of an application for a license under
11 this Act shall be privileged, strictly confidential and shall
12 be used only for the purpose of evaluating an applicant. Such
13 information, records, interviews, reports, statements,
14 memoranda or other data shall not be admissible as evidence,
15 nor discoverable in any action of any kind in any court or
16 before any tribunal, board, agency or person, except for any
17 action deemed necessary by the Board.

18 (e) The Board shall charge each applicant a fee set by the
19 Department of State Police to defray the costs associated with
20 the search and classification of fingerprints obtained by the
21 Board with respect to the applicant's application. These fees
22 shall be paid into the State Police Services Fund.

23 (f) The licensed owner shall be the person primarily
24 responsible for the boat itself. Only one riverboat gambling
25 operation may be authorized by the Board on any riverboat. The
26 applicant must identify each riverboat it intends to use and
27 certify that the riverboat: (1) has the authorized capacity
28 required in this Act; (2) is accessible to disabled persons;
29 and (3) is fully registered and licensed in accordance with any
30 applicable laws.

31 (g) A person who knowingly makes a false statement on an
32 application is guilty of a Class A misdemeanor.

33 (Source: P.A. 93-28, eff. 6-20-03.)

1 (230 ILCS 10/7) (from Ch. 120, par. 2407)

2 Sec. 7. Owners Licenses.

3 (a) The Board shall issue owners licenses to persons, firms
4 or corporations which apply for such licenses upon payment to
5 the Board of the non-refundable license fee set by the Board,
6 upon payment of a \$25,000 license fee for the first year of
7 operation and a \$5,000 license fee for each succeeding year and
8 upon a determination by the Board that the applicant is
9 eligible for an owners license pursuant to this Act and the
10 rules of the Board. No application under this Section shall be
11 required from the Authority. The Authority is not required to
12 pay the fees imposed under this Section. A person, firm or
13 corporation is ineligible to receive an owners license if:

14 (1) the person has been convicted of a felony under the
15 laws of this State, any other state, or the United States;

16 (2) the person has been convicted of any violation of
17 Article 28 of the Criminal Code of 1961, or substantially
18 similar laws of any other jurisdiction;

19 (3) the person has submitted an application for a
20 license under this Act which contains false information;

21 (4) the person is a member of the Board;

22 (5) a person defined in (1), (2), (3) or (4) is an
23 officer, director or managerial employee of the firm or
24 corporation;

25 (6) the firm or corporation employs a person defined in
26 (1), (2), (3) or (4) who participates in the management or
27 operation of gambling operations authorized under this
28 Act;

29 (7) (blank); or

30 (8) a license of the person, firm or corporation issued
31 under this Act, or a license to own or operate gambling
32 facilities in any other jurisdiction, has been revoked.

33 (b) In determining whether to grant an owners license to an
34 applicant, the Board shall consider:

1 (1) the character, reputation, experience and
2 financial integrity of the applicants and of any other or
3 separate person that either:

4 (A) controls, directly or indirectly, such
5 applicant, or

6 (B) is controlled, directly or indirectly, by such
7 applicant or by a person which controls, directly or
8 indirectly, such applicant;

9 (2) the facilities or proposed facilities for the
10 conduct of riverboat gambling;

11 (3) the highest prospective total revenue to be derived
12 by the State from the conduct of riverboat gambling;

13 (4) the extent to which the ownership of the applicant
14 reflects the diversity of the State by including minority
15 persons and females and the good faith affirmative action
16 plan of each applicant to recruit, train and upgrade
17 minority persons and females in all employment
18 classifications;

19 (5) the financial ability of the applicant to purchase
20 and maintain adequate liability and casualty insurance;

21 (6) whether the applicant has adequate capitalization
22 to provide and maintain, for the duration of a license, a
23 riverboat;

24 (7) the extent to which the applicant exceeds or meets
25 other standards for the issuance of an owners license which
26 the Board may adopt by rule; and

27 (8) The amount of the applicant's license bid.

28 (c) Each owners license shall specify the place where
29 riverboats shall operate and dock.

30 (d) Each applicant shall submit with his application, on
31 forms provided by the Board, 2 sets of his fingerprints.

32 (e) In addition to the licenses authorized under
33 subsections (e-5) and (e-6), the ~~The~~ Board may issue up to 10
34 licenses authorizing the holders of such licenses to own

1 riverboats. In the application for an owners license, the
2 applicant shall state the dock at which the riverboat is based
3 and the water on which the riverboat will be located. The Board
4 shall issue 5 licenses to become effective not earlier than
5 January 1, 1991. Three of such licenses shall authorize
6 riverboat gambling on the Mississippi River, or, with approval
7 by the municipality in which the riverboat is docked on August
8 7, 2003, ~~the effective date of this amendatory Act of the 93rd~~
9 ~~Assembly,~~ in a municipality that (1) borders on the Mississippi
10 River or is within 5 miles of the city limits of a municipality
11 that borders on the Mississippi River and (2), on August 7,
12 2003, ~~the effective date of this amendatory Act of the 93rd~~
13 ~~General Assembly,~~ has a riverboat conducting riverboat
14 gambling operations pursuant to a license issued under this
15 Act; ~~7~~ one of which shall authorize riverboat gambling from a
16 home dock in the city of East St. Louis. One other license
17 shall authorize riverboat gambling on the Illinois River south
18 of Marshall County. The Board shall issue one additional
19 license to become effective not earlier than March 1, 1992,
20 which shall authorize riverboat gambling on the Des Plaines
21 River in Will County. The Board may issue 4 additional licenses
22 to become effective not earlier than March 1, 1992. In
23 determining the water upon which riverboats will operate, the
24 Board shall consider the economic benefit which riverboat
25 gambling confers on the State, and shall seek to assure that
26 all regions of the State share in the economic benefits of
27 riverboat gambling.

28 (e-5) In addition to the licenses authorized under
29 subsections (e) and (e-6), the Board may issue 2 additional
30 licenses authorizing riverboat gambling.

31 (1) One of the licenses issued under this subsection
32 (e-5) shall authorize its holder to conduct riverboat
33 gambling from a home dock located in a municipality that
34 (A) has a population of at least 75,000 inhabitants, (B) is

1 bordered on the East by Lake Michigan, and (C) is located
2 in a county, the entirety of which is located to the North
3 of Cook County, and shall authorize its holder to conduct
4 riverboat gambling on Lake Michigan.

5 (2) One license issued under this subsection (e-5)
6 shall authorize its holder to conduct riverboat gambling in
7 Cook County from a home dock located in the area bordered
8 on the North by the southern corporate limit of the City of
9 Chicago, on the South by Route 30, on the East by the
10 Indiana border, and on the West by Interstate 57.

11 Licenses authorized under this subsection (e-5) shall be
12 awarded pursuant to a process of competitive bidding to the
13 highest bidder that is eligible to hold an owners license under
14 this Act. The minimum bid for an owners license under this
15 subsection (e-5) shall be \$350,000,000, except that the Board
16 may declare a lower minimum bid for a specific license if it
17 finds a lower minimum bid to be necessary or appropriate.

18 Any licensee that receives its license under this
19 subsection (e-5) shall attain a level of at least 20% minority
20 person and female ownership, at least 16% and 4% respectively,
21 within a time period prescribed by the Board, but not to exceed
22 12 months from the date the licensee begins conducting
23 riverboat gambling. The 12-month period shall be extended by
24 the amount of time necessary to conduct a background
25 investigation pursuant to Section 6. For the purposes of this
26 Section, the terms "female" and "minority person" have the
27 meanings provided in Section 2 of the Business Enterprise for
28 Minorities, Females, and Persons with Disabilities Act.

29 (e-6) In addition to the licenses authorized under
30 subsections (e) and (e-5), the Board, upon written request of
31 the Authority and upon payment by the Authority to the Board on
32 or before June 30, 2006 of a fee of \$350,000,000, shall issue
33 an owners license to the Authority, authorizing the conduct of
34 gambling operations in a casino located in a municipality with

1 a population of more than 500,000 inhabitants. Until completion
2 of a permanent casino, the Authority's license shall authorize
3 it to conduct gambling operations in one or more land-based or
4 riverboat temporary casinos within the municipality, provided
5 that the total number of gaming positions is limited to 4,000.
6 The license issued to the Authority shall be perpetual and may
7 not be revoked, suspended, or limited by the Board. The Board
8 shall have the authority to investigate, reject, and remove any
9 appointments to the Authority's board and the Authority's
10 appointment of its executive director. Casino gambling
11 operations shall be conducted by a casino operator on behalf of
12 the Authority. The Authority shall conduct a competitive
13 bidding process for the selection of casino operators to
14 develop and operate the casino and one or more temporary
15 casinos and riverboats. Any such casino operators shall be
16 subject to licensing by, and full jurisdiction of, the Board.

17 (e-10) In granting all licenses, the Board may give
18 favorable consideration to economically depressed areas of the
19 State, to applicants presenting plans which provide for
20 significant economic development over a large geographic area,
21 and to applicants who currently operate non-gambling
22 riverboats in Illinois. The Board shall review all applications
23 for owners licenses, and shall inform each applicant of the
24 Board's decision. The Board may grant an owners license to an
25 applicant that has not submitted the highest license bid, but
26 if it does not select the highest bidder, the Board shall issue
27 a written decision explaining why another applicant was
28 selected and identifying the factors set forth in this Section
29 that favored the winning bidder.

30 (e-15) In addition to any other revocation powers granted
31 to the Board under this Act, the Board may revoke the owners
32 license of a licensee which fails to begin conducting gambling
33 within 15 months of receipt of the Board's approval of the
34 application if the Board determines that license revocation is

1 in the best interests of the State.

2 (f) Owners ~~The first 10 owners~~ licenses issued under this
3 Act shall permit the holder to own up to 2 riverboats and
4 equipment thereon for a period of 3 years after the effective
5 date of the license. Holders of ~~the first 10~~ owners licenses
6 must pay the annual license fee for each of the 3 years during
7 which they are authorized to own riverboats.

8 (g) Upon the termination, expiration, or revocation of each
9 owners license ~~of the first 10 licenses~~, which shall be issued
10 for a 3 year period, all licenses are renewable annually upon
11 payment of the fee and a determination by the Board that the
12 licensee continues to meet all of the requirements of this Act
13 and the Board's rules. However, for licenses renewed on or
14 after May 1, 1998, renewal shall be for a period of 4 years,
15 unless the Board sets a shorter period. The Authority's license
16 shall be perpetual and shall not be subject to renewal.

17 (h) An owners license, other than the Authority's license,
18 shall entitle the licensee to own up to 2 riverboats and
19 operate up to 1,200 gaming positions, plus an additional number
20 of positions as provided in subsections (h-5) and (h-6). The
21 Authority's license shall limit the number of gaming positions
22 to 4,000, and shall not allow the Authority to obtain
23 additional gaming positions under subsection (h-5).

24 (h-5) In addition to the 1,200 gaming positions authorized
25 under subsection (h), a licensee, other than the Authority, may
26 purchase and operate additional gaming positions as provided in
27 this subsection (h-5). A licensee, other than the Authority,
28 may purchase up to 800 additional gaming positions under this
29 subsection (h-5) in groups of 100 by paying to the Board a fee
30 of \$3,000,000 for each group of 100 additional gaming
31 positions.

32 (h-6) An owners licensee that obtains in excess of 1,200
33 positions, other than the Authority, may conduct riverboat
34 gambling operations from a land-based facility within or

1 attached to its home dock facility or from a temporary
2 facility, as the term "temporary facility" is defined by Board
3 rule, that is attached to the licensee's home dock, with Board
4 approval. Gaming positions located in a land-based facility
5 must be located in an area that is accessible only to persons
6 who are at least 21 years of age. A licensee may not conduct
7 gambling at a land-based facility unless the admission tax
8 imposed under Section 12 has been paid for all persons who
9 enter the land-based facility. The Board shall adopt rules
10 concerning the conduct of gambling from land-based facilities,
11 including rules concerning the number of gaming positions that
12 may be located at a temporary facility. A licensee shall limit
13 the number of gambling participants to 1,200 for any such
14 owners license. A licensee may operate both of its riverboats
15 concurrently, provided that the total number of gambling
16 participants on both riverboats does not exceed 1,200.
17 Riverboats licensed to operate on the Mississippi River and the
18 Illinois River south of Marshall County shall have an
19 authorized capacity of at least 500 persons. Any other
20 riverboat licensed under this Act shall have an authorized
21 capacity of at least 400 persons.

22 (i) A licensed owner is authorized to apply to the Board
23 for and, if approved therefor, to receive all licenses from the
24 Board necessary for the operation of a riverboat or a casino,
25 including a liquor license, a license to prepare and serve food
26 for human consumption, and other necessary licenses. All use,
27 occupation and excise taxes which apply to the sale of food and
28 beverages in this State and all taxes imposed on the sale or
29 use of tangible personal property apply to such sales aboard
30 the riverboat or in the casino.

31 (j) The Board may issue or re-issue a license authorizing a
32 riverboat to dock in a municipality or approve a relocation
33 under Section 11.2 only if, prior to the issuance or
34 re-issuance of the license or approval, the governing body of

1 the municipality in which the riverboat will dock has by a
2 majority vote approved the docking of riverboats in the
3 municipality. The Board may issue or re-issue a license
4 authorizing a riverboat to dock in areas of a county outside
5 any municipality or approve a relocation under Section 11.2
6 only if, prior to the issuance or re-issuance of the license or
7 approval, the governing body of the county has by a majority
8 vote approved of the docking of riverboats within such areas.

9 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;
10 93-453, eff. 8-7-03; revised 1-27-04.)

11 (230 ILCS 10/7.1)

12 Sec. 7.1. Re-issuance of revoked or non-renewed owners
13 licenses.

14 (a) If an owners license terminates or expires without
15 renewal or the Board revokes or determines not to renew an
16 owners license (including, without limitation, an owners
17 license for a licensee that was not conducting riverboat
18 gambling operations on January 1, 1998) and that revocation or
19 determination is final, the Board may re-issue such license to
20 a qualified applicant pursuant to an open and competitive
21 bidding process, as set forth in Section 7.5, and subject to
22 the maximum number of authorized licenses set forth in
23 subsections (e), (e-5), and (e-6) of Section 7 ~~Section 7(e)~~.

24 (b) To be a qualified applicant, a person, firm, or
25 corporation cannot be ineligible to receive an owners license
26 under Section 7(a) and must submit an application for an owners
27 license that complies with Section 6. Each such applicant must
28 also submit evidence to the Board that minority persons and
29 females hold ownership interests in the applicant of at least
30 16% and 4% respectively.

31 (c) Notwithstanding anything to the contrary in
32 subsections (e), (e-5), or (e-6) of Section 7, ~~Section 7(e)~~, an
33 applicant may apply to the Board for approval of relocation of

1 a re-issued license to a new home dock location authorized
2 under Section 3(c) upon receipt of the approval from the
3 municipality or county, as the case may be, pursuant to Section
4 7(j).

5 (d) In determining whether to grant a re-issued owners
6 license to an applicant, the Board shall consider all of the
7 factors set forth in Section Sections 7(b) and in Section 7(e)
8 or (e-5), whichever is applicable, (e) as well as the amount of
9 the applicant's license bid. The Board may grant the re-issued
10 owners license to an applicant that has not submitted the
11 highest license bid, but if it does not select the highest
12 bidder, the Board shall issue a written decision explaining why
13 another applicant was selected and identifying the factors set
14 forth in Section Sections 7(b) and in Section 7(e) or (e-5),
15 whichever is applicable, (e) that favored the winning bidder.

16 (e) Re-issued owners licenses shall be subject to annual
17 license fees as provided for in Section 7(a) and shall be
18 governed by the provisions of Sections 7(f), (g), (h), and (i).
19 (Source: P.A. 93-28, eff. 6-20-03.)

20 (230 ILCS 10/7.3)

21 Sec. 7.3. State conduct of gambling operations.

22 (a) If, after reviewing each application for a re-issued
23 license, the Board determines that the highest prospective
24 total revenue to the State would be derived from State conduct
25 of the gambling operation in lieu of re-issuing the license,
26 the Board shall inform each applicant of its decision. The
27 Board shall thereafter have the authority, without obtaining an
28 owners license, to conduct riverboat gambling operations as
29 previously authorized by the terminated, expired, revoked, or
30 nonrenewed license through a licensed manager selected
31 pursuant to an open and competitive bidding process as set
32 forth in Section 7.5 and as provided in Section 7.4.

33 (b) The Board may locate any riverboat on which a gambling

1 operation is conducted by the State in any home dock location
2 authorized by Section 3(c) upon receipt of approval from a
3 majority vote of the governing body of the municipality or
4 county, as the case may be, in which the riverboat will dock.

5 (c) The Board shall have jurisdiction over and shall
6 supervise all gambling operations conducted by the State
7 provided for in this Act and shall have all powers necessary
8 and proper to fully and effectively execute the provisions of
9 this Act relating to gambling operations conducted by the
10 State.

11 (d) The maximum number of owners licenses authorized under
12 Section 7 ~~7(e)~~ shall be reduced by one for each instance in
13 which the Board authorizes the State to conduct a riverboat
14 gambling operation under subsection (a) in lieu of re-issuing a
15 license to an applicant under Section 7.1.

16 (Source: P.A. 93-28, eff. 6-20-03.)

17 (230 ILCS 10/7.4)

18 Sec. 7.4. Managers and casino operators licenses.

19 (a) A qualified person may apply to the Board for a
20 managers license to operate and manage any gambling operation
21 conducted by the State or the Authority. The application shall
22 be made on forms provided by the Board and shall contain such
23 information as the Board prescribes, including but not limited
24 to information required in Sections 6(a), (b), and (c) and
25 information relating to the applicant's proposed price to
26 manage State or Authority gambling operations and to provide
27 the riverboat or casino, gambling equipment, and supplies
28 necessary to conduct State or Authority gambling operations.

29 (b) Each applicant must submit evidence to the Board that
30 minority persons and females hold ownership interests in the
31 applicant of at least 16% and 4%, respectively.

32 (c) A person, firm, or corporation is ineligible to receive
33 a managers license or a casino operators license if:

1 (1) the person has been convicted of a felony under the
2 laws of this State, any other state, or the United States;

3 (2) the person has been convicted of any violation of
4 Article 28 of the Criminal Code of 1961, or substantially
5 similar laws of any other jurisdiction;

6 (3) the person has submitted an application for a
7 license under this Act which contains false information;

8 (4) the person is a member of the Board;

9 (5) a person defined in (1), (2), (3), or (4) is an
10 officer, director, or managerial employee of the firm or
11 corporation;

12 (6) the firm or corporation employs a person defined in
13 (1), (2), (3), or (4) who participates in the management or
14 operation of gambling operations authorized under this
15 Act; or

16 (7) a license of the person, firm, or corporation
17 issued under this Act, or a license to own or operate
18 gambling facilities in any other jurisdiction, has been
19 revoked.

20 (d) Each applicant shall submit with his or her
21 application, on forms prescribed by the Board, 2 sets of his or
22 her fingerprints.

23 (e) The Board shall charge each applicant a fee, set by the
24 Board, to defray the costs associated with the background
25 investigation conducted by the Board.

26 (f) A person who knowingly makes a false statement on an
27 application is guilty of a Class A misdemeanor.

28 (g) The ~~managers~~ license to manage any gambling operation
29 conducted by the State shall be for a term not to exceed 10
30 years, shall be renewable at the Board's option, and shall
31 contain such terms and provisions as the Board deems necessary
32 to protect or enhance the credibility and integrity of State
33 gambling operations, achieve the highest prospective total
34 revenue to the State, and otherwise serve the interests of the

1 citizens of Illinois. The initial term of a casino operators
2 license to manage the Authority's gambling operations shall be
3 4 years. Upon expiration of the initial term and of each
4 renewal term, the casino operators license shall be renewed for
5 a period of 4 years, provided that the casino operator
6 continues to meet all of the requirements of this Act and the
7 Board's rules.

8 (h) Issuance of a managers license shall be subject to an
9 open and competitive bidding process. The Board may select an
10 applicant other than the lowest bidder by price. If it does not
11 select the lowest bidder, the Board shall issue a notice of who
12 the lowest bidder was and a written decision as to why another
13 bidder was selected.

14 (Source: P.A. 93-28, eff. 6-20-03.)

15 (230 ILCS 10/8) (from Ch. 120, par. 2408)

16 Sec. 8. Suppliers licenses.

17 (a) The Board may issue a suppliers license to such
18 persons, firms or corporations which apply therefor upon the
19 payment of a non-refundable application fee set by the Board,
20 upon a determination by the Board that the applicant is
21 eligible for a suppliers license and upon payment of a \$5,000
22 annual license fee.

23 (b) The holder of a suppliers license is authorized to sell
24 or lease, and to contract to sell or lease, gambling equipment
25 and supplies to any licensee involved in the ownership or
26 management of gambling operations.

27 (c) Gambling supplies and equipment may not be distributed
28 unless supplies and equipment conform to standards adopted by
29 rules of the Board.

30 (d) A person, firm or corporation is ineligible to receive
31 a suppliers license if:

32 (1) the person has been convicted of a felony under the
33 laws of this State, any other state, or the United States;

1 (2) the person has been convicted of any violation of
2 Article 28 of the Criminal Code of 1961, or substantially
3 similar laws of any other jurisdiction;

4 (3) the person has submitted an application for a
5 license under this Act which contains false information;

6 (4) the person is a member of the Board;

7 (5) the firm or corporation is one in which a person
8 defined in (1), (2), (3) or (4), is an officer, director or
9 managerial employee;

10 (6) the firm or corporation employs a person who
11 participates in the management or operation of riverboat
12 gambling authorized under this Act;

13 (7) the license of the person, firm or corporation
14 issued under this Act, or a license to own or operate
15 gambling facilities in any other jurisdiction, has been
16 revoked.

17 (e) Any person that supplies any equipment, devices, or
18 supplies to a licensed riverboat or casino gambling operation
19 must first obtain a suppliers license. A supplier shall furnish
20 to the Board a list of all equipment, devices and supplies
21 offered for sale or lease in connection with gambling games
22 authorized under this Act. A supplier shall keep books and
23 records for the furnishing of equipment, devices and supplies
24 to gambling operations separate and distinct from any other
25 business that the supplier might operate. A supplier shall file
26 a quarterly return with the Board listing all sales and leases.
27 A supplier shall permanently affix its name to all its
28 equipment, devices, and supplies for gambling operations. Any
29 supplier's equipment, devices or supplies which are used by any
30 person in an unauthorized gambling operation shall be forfeited
31 to the State. A holder of an owners license, including the
32 Authority, ~~licensed owner~~ may own its own equipment, devices
33 and supplies. Each holder of an owners license, including the
34 Authority, under the Act shall file an annual report listing

1 its inventories of gambling equipment, devices and supplies.

2 (f) Any person who knowingly makes a false statement on an
3 application is guilty of a Class A misdemeanor.

4 (g) Any gambling equipment, devices and supplies provided
5 by any licensed supplier may either be repaired on the
6 riverboat or at the casino or removed from the riverboat or
7 casino to a ~~an on shore~~ facility owned by the holder of an
8 owners license for repair.

9 (Source: P.A. 86-1029; 87-826.)

10 (230 ILCS 10/9) (from Ch. 120, par. 2409)

11 Sec. 9. Occupational licenses.

12 (a) The Board may issue an occupational license to an
13 applicant upon the payment of a non-refundable fee set by the
14 Board, upon a determination by the Board that the applicant is
15 eligible for an occupational license and upon payment of an
16 annual license fee in an amount to be established. To be
17 eligible for an occupational license, an applicant must:

18 (1) be at least 21 years of age if the applicant will
19 perform any function involved in gaming by patrons. Any
20 applicant seeking an occupational license for a non-gaming
21 function shall be at least 18 years of age;

22 (2) not have been convicted of a felony offense, a
23 violation of Article 28 of the Criminal Code of 1961, or a
24 similar statute of any other jurisdiction, or a crime
25 involving dishonesty or moral turpitude;

26 (3) have demonstrated a level of skill or knowledge
27 which the Board determines to be necessary in order to
28 operate gambling aboard a riverboat or in a casino; and

29 (4) have met standards for the holding of an
30 occupational license as adopted by rules of the Board. Such
31 rules shall provide that any person or entity seeking an
32 occupational license to manage gambling operations
33 hereunder shall be subject to background inquiries and

1 further requirements similar to those required of
2 applicants for an owners license. Furthermore, such rules
3 shall provide that each such entity shall be permitted to
4 manage gambling operations for only one licensed owner.

5 (b) Each application for an occupational license shall be
6 on forms prescribed by the Board and shall contain all
7 information required by the Board. The applicant shall set
8 forth in the application: whether he has been issued prior
9 gambling related licenses; whether he has been licensed in any
10 other state under any other name, and, if so, such name and his
11 age; and whether or not a permit or license issued to him in
12 any other state has been suspended, restricted or revoked, and,
13 if so, for what period of time.

14 (c) Each applicant shall submit with his application, on
15 forms provided by the Board, 2 sets of his fingerprints. The
16 Board shall charge each applicant a fee set by the Department
17 of State Police to defray the costs associated with the search
18 and classification of fingerprints obtained by the Board with
19 respect to the applicant's application. These fees shall be
20 paid into the State Police Services Fund.

21 (d) The Board may in its discretion refuse an occupational
22 license to any person: (1) who is unqualified to perform the
23 duties required of such applicant; (2) who fails to disclose or
24 states falsely any information called for in the application;
25 (3) who has been found guilty of a violation of this Act or
26 whose prior gambling related license or application therefor
27 has been suspended, restricted, revoked or denied for just
28 cause in any other state; or (4) for any other just cause.

29 (e) The Board may suspend, revoke or restrict any
30 occupational licensee: (1) for violation of any provision of
31 this Act; (2) for violation of any of the rules and regulations
32 of the Board; (3) for any cause which, if known to the Board,
33 would have disqualified the applicant from receiving such
34 license; or (4) for default in the payment of any obligation or

1 debt due to the State of Illinois; or (5) for any other just
2 cause.

3 (f) A person who knowingly makes a false statement on an
4 application is guilty of a Class A misdemeanor.

5 (g) Any license issued pursuant to this Section shall be
6 valid for a period of one year from the date of issuance.

7 (h) Nothing in this Act shall be interpreted to prohibit a
8 licensed owner from entering into an agreement with a school
9 approved under the Private Business and Vocational Schools Act
10 for the training of any occupational licensee. Any training
11 offered by such a school shall be in accordance with a written
12 agreement between the licensed owner and the school.

13 (i) Any training provided for occupational licensees may be
14 conducted either at the site of the gambling facility ~~on the~~
15 ~~riverboat~~ or at a school with which a licensed owner has
16 entered into an agreement pursuant to subsection (h).

17 (Source: P.A. 86-1029; 87-826.)

18 (230 ILCS 10/10) (from Ch. 120, par. 2410)

19 Sec. 10. Bond of licensee. Before an owners license, other
20 than the Authority's license, is issued or re-issued or a
21 managers license or casino operators license is issued, the
22 licensee shall post a bond in the sum of \$200,000 to the State
23 of Illinois. The bond shall be used to guarantee that the
24 licensee faithfully makes the payments, keeps his books and
25 records and makes reports, and conducts his games of chance in
26 conformity with this Act and the rules adopted by the Board.
27 The bond shall not be canceled by a surety on less than 30 days
28 notice in writing to the Board. If a bond is canceled and the
29 licensee fails to file a new bond with the Board in the
30 required amount on or before the effective date of
31 cancellation, the licensee's license shall be revoked. The
32 total and aggregate liability of the surety on the bond is
33 limited to the amount specified in the bond.

1 (Source: P.A. 93-28, eff. 6-20-03.)

2 (230 ILCS 10/11) (from Ch. 120, par. 2411)

3 Sec. 11. Conduct of gambling. Gambling may be conducted by
4 licensed owners or licensed managers on behalf of the State or
5 by casino operators on behalf of the Authority aboard
6 riverboats or in a casino. If authorized by the Board by rule,
7 an owners licensee may move gaming positions a "temporary
8 facility" as that term is defined in Section 7(h-6) and use
9 those gaming positions to conduct gambling as provided in
10 Section 7(h-6). Gambling authorized under this Section shall
11 be subject to the following standards:

12 (1) A licensee may conduct riverboat gambling
13 authorized under this Act regardless of whether it conducts
14 excursion cruises. A licensee may permit the continuous
15 ingress and egress of patrons ~~passengers~~ for the purpose of
16 gambling.

17 (2) (Blank).

18 (3) Minimum and maximum wagers on games shall be set by
19 the licensee.

20 (4) Agents of the Board and the Department of State
21 Police may board and inspect any riverboat or enter and
22 inspect any portion of a casino at any time for the purpose
23 of determining whether this Act is being complied with.
24 Every riverboat, if under way and being hailed by a law
25 enforcement officer or agent of the Board, must stop
26 immediately and lay to.

27 (5) Employees of the Board shall have the right to be
28 present on the riverboat or in the casino or on adjacent
29 facilities under the control of the licensee.

30 (6) Gambling equipment and supplies customarily used
31 in conducting riverboat gambling or casino gambling must be
32 purchased or leased only from suppliers licensed for such
33 purpose under this Act.

1 (7) Persons licensed under this Act shall permit no
2 form of wagering on gambling games except as permitted by
3 this Act.

4 (8) Wagers may be received only from a person present
5 on a licensed riverboat or in a casino. No person present
6 on a licensed riverboat or in a casino shall place or
7 attempt to place a wager on behalf of another person who is
8 not present on the riverboat or in the casino.

9 (9) Wagering shall not be conducted with money or other
10 negotiable currency.

11 (10) A person under age 21 shall not be permitted on an
12 area of a riverboat or casino where gambling is being
13 conducted, except for a person at least 18 years of age who
14 is an employee of the riverboat or casino gambling
15 operation. No employee under age 21 shall perform any
16 function involved in gambling by the patrons. No person
17 under age 21 shall be permitted to make a wager under this
18 Act.

19 (11) Gambling excursion cruises are permitted only
20 when the waterway for which the riverboat is licensed is
21 navigable, as determined by the Board in consultation with
22 the U.S. Army Corps of Engineers. This paragraph (11) does
23 not limit the ability of a licensee to conduct gambling
24 authorized under this Act when gambling excursion cruises
25 are not permitted.

26 (12) All tokens, chips or electronic cards used to make
27 wagers must be purchased from a licensed owner or manager,
28 in the case of a riverboat or of a casino either aboard the
29 a riverboat or at the casino or, in the case of a
30 riverboat, at an onshore facility which has been approved
31 by the Board and which is located where the riverboat
32 docks. The tokens, chips or electronic cards may be
33 purchased by means of an agreement under which the owner or
34 manager extends credit to the patron. Such tokens, chips or

1 electronic cards may be used while aboard the riverboat or
2 in the casino only for the purpose of making wagers on
3 gambling games.

4 (13) Notwithstanding any other Section of this Act, in
5 addition to the other licenses authorized under this Act,
6 the Board may issue special event licenses allowing persons
7 who are not otherwise licensed to conduct riverboat
8 gambling to conduct such gambling on a specified date or
9 series of dates. Riverboat gambling under such a license
10 may take place on a riverboat not normally used for
11 riverboat gambling. The Board shall establish standards,
12 fees and fines for, and limitations upon, such licenses,
13 which may differ from the standards, fees, fines and
14 limitations otherwise applicable under this Act. All such
15 fees shall be deposited into the State Gaming Fund. All
16 such fines shall be deposited into the Education Assistance
17 Fund, created by Public Act 86-0018, of the State of
18 Illinois.

19 (14) In addition to the above, gambling must be
20 conducted in accordance with all rules adopted by the
21 Board.

22 (Source: P.A. 93-28, eff. 6-20-03.)

23 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

24 Sec. 11.1. Collection of amounts owing under credit
25 agreements. Notwithstanding any applicable statutory provision
26 to the contrary, a licensed owner or manager who extends credit
27 to a riverboat or casino gambling patron pursuant to Section 11
28 (a) (12) of this Act is expressly authorized to institute a
29 cause of action to collect any amounts due and owing under the
30 extension of credit, as well as the owner's or manager's costs,
31 expenses and reasonable attorney's fees incurred in
32 collection.

33 (Source: P.A. 93-28, eff. 6-20-03.)

1 (230 ILCS 10/12) (from Ch. 120, par. 2412)

2 Sec. 12. Admission tax; fees.

3 (a) A tax is hereby imposed upon admissions to riverboats
4 operated by licensed owners and upon admissions to casinos and
5 riverboats operated by casino operators on behalf of the
6 Authority authorized pursuant to this Act. Until July 1, 2002,
7 the rate is \$2 per person admitted. From July 1, 2002 ~~and~~ until
8 July 1, 2003, the rate is \$3 per person admitted. From
9 Beginning July 1, 2003 until the effective date of this
10 amendatory Act of the 94th General Assembly, for a licensee
11 that admitted 1,000,000 persons or fewer in the previous
12 calendar year, the rate is \$3 per person admitted; for a
13 licensee that admitted more than 1,000,000 but no more than
14 2,300,000 persons in the previous calendar year, the rate is \$4
15 per person admitted; and for a licensee that admitted more than
16 2,300,000 persons in the previous calendar year, the rate is \$5
17 per person admitted. Beginning on the effective date of this
18 amendatory Act of the 94th General Assembly, for a licensee
19 that conducted riverboat gambling operations in calendar year
20 2003 and admitted 1,000,000 persons or fewer in the calendar
21 year 2003, the rate is \$1 per person admitted and for all other
22 licensees, including the Authority, the rate is \$3 per person
23 admitted. Beginning July 1, 2003, for a licensee that admitted
24 2,300,000 persons or fewer in the previous calendar year, the
25 rate is \$4 per person admitted and for a licensee that admitted
26 more than 2,300,000 persons in the previous calendar year, the
27 rate is \$5 per person admitted. This admission tax is imposed
28 upon the licensed owner conducting gambling.

29 (1) The admission tax shall be paid for each admission,
30 except that a person who exits a riverboat gambling
31 facility or a casino and reenters that riverboat gambling
32 facility or casino within the same gaming day, as the term
33 "gaming day" is defined by the Board by rule, shall be

1 subject only to the initial admission tax. The Board shall
2 establish, by rule, a procedure to determine whether a
3 person admitted to a riverboat gambling facility or casino
4 has paid the admission tax.

5 (2) (Blank).

6 (3) The riverboat licensee and the Authority may issue
7 tax-free passes to actual and necessary officials and
8 employees of the licensee or other persons actually working
9 on the riverboat or in the casino.

10 (4) The number and issuance of tax-free passes is
11 subject to the rules of the Board, and a list of all
12 persons to whom the tax-free passes are issued shall be
13 filed with the Board.

14 (a-5) A fee is hereby imposed upon admissions operated by
15 licensed managers on behalf of the State pursuant to Section
16 7.3 at the rates provided in this subsection (a-5). For a
17 licensee that admitted 1,000,000 persons or fewer in the
18 previous calendar year, the rate is \$3 per person admitted; for
19 a licensee that admitted more than 1,000,000 but no more than
20 2,300,000 persons in the previous calendar year, the rate is \$4
21 per person admitted; and for a licensee that admitted more than
22 2,300,000 persons in the previous calendar year, the rate is \$5
23 per person admitted.

24 (1) The admission fee shall be paid for each admission.

25 (2) (Blank).

26 (3) The licensed manager may issue fee-free passes to
27 actual and necessary officials and employees of the manager
28 or other persons actually working on the riverboat.

29 (4) The number and issuance of fee-free passes is
30 subject to the rules of the Board, and a list of all
31 persons to whom the fee-free passes are issued shall be
32 filed with the Board.

33 (b) From the tax imposed under subsection (a) and the fee
34 imposed under subsection (a-5), a municipality shall receive

1 from the State \$1 for each person embarking on a riverboat
2 docked within the municipality or entering a casino located
3 within the municipality, and a county shall receive \$1 for each
4 person entering a casino or embarking on a riverboat docked
5 within the county but outside the boundaries of any
6 municipality. The municipality's or county's share shall be
7 collected by the Board on behalf of the State and remitted
8 quarterly by the State, subject to appropriation, to the
9 treasurer of the unit of local government for deposit in the
10 general fund. For each admission in excess of 1,500,000 in a
11 year, from the tax imposed under this Section, the county in
12 which the licensee's home dock or casino is located shall
13 receive, subject to appropriation, \$0.15, which shall be in
14 addition to any other moneys paid to the county under this
15 Section, and \$0.20 shall be paid into the Agricultural Premium
16 Fund.

17 (c) The licensed owner and the licensed casino operator
18 conducting gambling operations on behalf of the Authority shall
19 pay the entire admission tax to the Board and the licensed
20 manager shall pay the entire admission fee to the Board. Such
21 payments shall be made daily. Accompanying each payment shall
22 be a return on forms provided by the Board which shall include
23 other information regarding admissions as the Board may
24 require. Failure to submit either the payment or the return
25 within the specified time may result in suspension or
26 revocation of the owners or managers license.

27 (d) The Board shall administer and collect the admission
28 tax imposed by this Section, to the extent practicable, in a
29 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
30 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the
31 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
32 Penalty and Interest Act.

33 (Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28,
34 eff. 6-20-03; revised 8-1-03.)

1 (230 ILCS 10/13) (from Ch. 120, par. 2413)

2 Sec. 13. Wagering tax; rate; distribution.

3 (a) Until January 1, 1998, a tax is imposed on the ~~adjusted~~
4 gross gaming receipts received from gambling games authorized
5 under this Act at the rate of 20%.

6 (a-1) From January 1, 1998 until July 1, 2002, a privilege
7 tax is imposed on persons engaged in the business of conducting
8 riverboat gambling operations, based on the ~~adjusted~~ gross
9 gaming receipts received by a licensed owner from gambling
10 games authorized under this Act at the following rates:

11 15% of annual ~~adjusted~~ gross gaming receipts up to and
12 including \$25,000,000;

13 20% of annual ~~adjusted~~ gross gaming receipts in excess
14 of \$25,000,000 but not exceeding \$50,000,000;

15 25% of annual ~~adjusted~~ gross gaming receipts in excess
16 of \$50,000,000 but not exceeding \$75,000,000;

17 30% of annual ~~adjusted~~ gross gaming receipts in excess
18 of \$75,000,000 but not exceeding \$100,000,000;

19 35% of annual ~~adjusted~~ gross gaming receipts in excess
20 of \$100,000,000.

21 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
22 is imposed on persons engaged in the business of conducting
23 riverboat gambling operations, other than licensed managers
24 conducting riverboat gambling operations on behalf of the
25 State, based on the ~~adjusted~~ gross gaming receipts received by
26 a licensed owner from gambling games authorized under this Act
27 at the following rates:

28 15% of annual ~~adjusted~~ gross gaming receipts up to and
29 including \$25,000,000;

30 22.5% of annual ~~adjusted~~ gross gaming receipts in
31 excess of \$25,000,000 but not exceeding \$50,000,000;

32 27.5% of annual ~~adjusted~~ gross gaming receipts in
33 excess of \$50,000,000 but not exceeding \$75,000,000;

1 32.5% of annual ~~adjusted~~ gross gaming receipts in
2 excess of \$75,000,000 but not exceeding \$100,000,000;

3 37.5% of annual ~~adjusted~~ gross gaming receipts in
4 excess of \$100,000,000 but not exceeding \$150,000,000;

5 45% of annual ~~adjusted~~ gross gaming receipts in excess
6 of \$150,000,000 but not exceeding \$200,000,000;

7 50% of annual ~~adjusted~~ gross gaming receipts in excess
8 of \$200,000,000.

9 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
10 persons engaged in the business of conducting riverboat
11 gambling operations (other than licensed managers conducting
12 riverboat gambling operations on behalf of the State) and on
13 the Authority, based on the ~~adjusted~~ gross gaming receipts
14 received by a licensed owner or by the Authority from gambling
15 games authorized under this Act at the following rates:

16 15% of annual ~~adjusted~~ gross gaming receipts up to and
17 including \$25,000,000;

18 27.5% of annual ~~adjusted~~ gross gaming receipts in
19 excess of \$25,000,000 but not exceeding \$37,500,000;

20 32.5% of annual ~~adjusted~~ gross gaming receipts in
21 excess of \$37,500,000 but not exceeding \$50,000,000;

22 37.5% of annual ~~adjusted~~ gross gaming receipts in
23 excess of \$50,000,000 but not exceeding \$75,000,000;

24 45% of annual ~~adjusted~~ gross gaming receipts in excess
25 of \$75,000,000 but not exceeding \$100,000,000;

26 50% of annual ~~adjusted~~ gross gaming receipts in excess
27 of \$100,000,000 but not exceeding \$250,000,000;

28 70% of annual ~~adjusted~~ gross gaming receipts in excess
29 of \$250,000,000.

30 An amount equal to the amount of wagering taxes collected
31 under this subsection (a-3) that are in addition to the amount
32 of wagering taxes that would have been collected if the
33 wagering tax rates under subsection (a-2) were in effect shall
34 be paid into the Common School Fund.

1 The privilege tax imposed under this subsection (a-3) shall
2 no longer be imposed beginning on the earliest ~~earlier~~ of (i)
3 July 1, 2005; (ii) the first date after June 20, 2003 ~~the~~
4 ~~effective date of this amendatory Act of the 93rd General~~
5 ~~Assembly~~ that riverboat gambling operations are conducted
6 pursuant to a dormant license; ~~or~~ (iii) the first day that
7 riverboat gambling operations are conducted under the
8 authority of an owners license that is in addition to the 10
9 owners licenses initially authorized under this Act; or (iv)
10 the effective date of this amendatory Act of the 94th General
11 Assembly. For the purposes of this subsection (a-3), the term
12 "dormant license" means an owners license that is authorized by
13 this Act under which no riverboat gambling operations are being
14 conducted on June 20, 2003 ~~the effective date of this~~
15 ~~amendatory Act of the 93rd General Assembly~~.

16 (a-4) Beginning on the first day on which the tax imposed
17 under subsection (a-3) is no longer imposed, a privilege tax is
18 imposed on persons engaged in the business of conducting
19 riverboat gambling operations (other than licensed managers
20 conducting riverboat gambling operations on behalf of the
21 State) and on the Authority, based on the ~~adjusted~~ gross gaming
22 receipts received by a licensed owner or by the Authority from
23 gambling games authorized under this Act at the following
24 rates:

25 15% of annual ~~adjusted~~ gross gaming receipts up to and
26 including \$25,000,000;

27 22.5% of annual ~~adjusted~~ gross gaming receipts in
28 excess of \$25,000,000 but not exceeding \$50,000,000;

29 27.5% of annual ~~adjusted~~ gross gaming receipts in
30 excess of \$50,000,000 but not exceeding \$75,000,000;

31 32.5% of annual ~~adjusted~~ gross gaming receipts in
32 excess of \$75,000,000 but not exceeding \$100,000,000;

33 37.5% of annual ~~adjusted~~ gross gaming receipts in
34 excess of \$100,000,000 but not exceeding \$150,000,000;

1 45% of annual ~~adjusted~~ gross gaming receipts in excess
2 of \$150,000,000 but not exceeding \$300,000,000
3 ~~\$200,000,000~~;

4 50% of annual ~~adjusted~~ gross gaming receipts in excess
5 of \$300,000,000 ~~\$200,000,000~~.

6 (a-8) Riverboat gambling operations conducted by a
7 licensed manager on behalf of the State are not subject to the
8 tax imposed under this Section.

9 (a-10) The taxes imposed by this Section shall be paid by
10 the licensed owner, or by the casino operator on behalf of the
11 Authority in the case of a license issued to the Authority, to
12 the Board not later than 5:00 o'clock p.m. ~~3:00 o'clock p.m.~~ of
13 the day after the day when the wagers were made.

14 (b) Until January 1, 1998, 25% of the tax revenue deposited
15 in the State Gaming Fund under this Section shall be paid,
16 subject to appropriation by the General Assembly, to the unit
17 of local government which is designated as the home dock of the
18 riverboat. Except as otherwise provided in this subsection (b),
19 beginning ~~Beginning~~ January 1, 1998, from the tax revenue from
20 riverboat and casino gambling deposited in the State Gaming
21 Fund under this Section, an amount equal to 5% of ~~adjusted~~
22 gross gaming receipts generated by a riverboat and an amount
23 equal to 5% of gross gaming receipts generated by a casino
24 shall be paid monthly, subject to appropriation by the General
25 Assembly, to the unit of local government that is designated as
26 the home dock of the riverboat or to the municipality in which
27 the casino is located. From the tax revenue deposited in the
28 State Gaming Fund pursuant to riverboat gambling operations
29 conducted by a licensed manager on behalf of the State, an
30 amount equal to 5% of ~~adjusted~~ gross gaming receipts generated
31 pursuant to those riverboat gambling operations shall be paid
32 monthly, subject to appropriation by the General Assembly, to
33 the unit of local government that is designated as the home
34 dock of the riverboat upon which those riverboat gambling

1 operations are conducted.

2 (c) Appropriations, as approved by the General Assembly,
3 may be made from the State Gaming Fund to the Department of
4 Revenue and the Department of State Police for the
5 administration and enforcement of this Act, or to the
6 Department of Human Services for the administration of programs
7 to treat problem gambling.

8 (c-5) After the payments required under subsections (b) and
9 (c) have been made, an amount equal to 3% ~~15%~~ of the adjusted
10 gross receipts of (1) an owners licensee that relocates
11 pursuant to Section 11.2, (2) an owners licensee license
12 conducting riverboat gambling operations pursuant to an owners
13 license that is initially issued after June 25, 1999, or (3)
14 the first riverboat gambling operations conducted by a licensed
15 manager on behalf of the State under Section 7.3 7.2, whichever
16 comes first, shall be paid from the State Gaming Fund into the
17 Horse Racing Equity Fund.

18 (c-10) Each year the General Assembly shall appropriate
19 from the General Revenue Fund to the Education Assistance Fund
20 an amount equal to the amount paid into the Horse Racing Equity
21 Fund pursuant to subsection (c-5) in the prior calendar year.

22 (c-15) (Blank). ~~After the payments required under~~
23 ~~subsections (b), (c), and (c-5) have been made, an amount equal~~
24 ~~to 2% of the adjusted gross receipts of (1) an owners licensee~~
25 ~~that relocates pursuant to Section 11.2, (2) an owners license~~
26 ~~conducting riverboat gambling operations pursuant to an owners~~
27 ~~license that is initially issued after June 25, 1999, or 2 (3)~~
28 ~~the first riverboat gambling operations conducted by a licensed~~
29 ~~manager on behalf of the State under Section 7.3 7.2, whichever~~
30 ~~comes first, shall be paid, subject to appropriation from the~~
31 ~~General Assembly, from the State Gaming Fund to each home rule~~
32 ~~county with a population of over 3,000,000 inhabitants for the~~
33 ~~purpose of enhancing the county's criminal justice system.~~

34 (c-20) (Blank). ~~Each year the General Assembly shall~~

1 ~~appropriate from the General Revenue Fund to the Education~~
2 ~~Assistance Fund an amount equal to the amount paid to each home~~
3 ~~rule county with a population of over 3,000,000 inhabitants~~
4 ~~pursuant to subsection (c-15) in the prior calendar year.~~

5 (c-25) After the payments required under subsections (b),
6 (c), and (c-5) ~~and (c-15)~~ have been made, an amount equal to 2%
7 of the ~~adjusted~~ gross gaming receipts of (1) each ~~an~~ owners
8 licensee license that relocates pursuant to Section 11.2 and
9 (2) each ~~an~~ owners licensee ~~license~~ conducting riverboat or
10 casino gambling operations pursuant to an owners license that
11 is initially issued after June 25, 1999, ~~or (3) the first~~
12 ~~riverboat gambling operations conducted by a licensed manager~~
13 ~~on behalf of the State under Section 7.3 7.2, whichever comes~~
14 ~~first,~~ shall be paid from the State Gaming Fund to Chicago
15 State University.

16 (c-30) After the payments required under subsections (b),
17 (c), (c-5), and (c-25) have been made, an aggregate amount
18 equal to 3% of the gross gaming receipts of owners licensees,
19 but in no event more than \$75,000,000 in any year, shall be
20 paid monthly, subject to appropriation by the General Assembly,
21 from the State Gaming Fund into the School Infrastructure Fund
22 for the purpose of funding school construction program grants.

23 (c-35) After the payments required under subsections (b),
24 (c), (c-5), (c-25), and (c-30) have been made, an amount equal
25 to 1% of the gross gaming receipts of an owners licensee that
26 docks on the Mississippi River, the Illinois River, or the Ohio
27 River shall be paid, subject to appropriation by the General
28 Assembly, from the State Gaming Fund to qualifying
29 municipalities within 50 miles of the home dock of the
30 riverboat. The amount paid under this subsection (c-35) to each
31 qualifying municipality shall be based on the proportion that
32 the number of persons living at or below the poverty level in
33 the qualifying municipality bears to the total number of
34 persons living at or below the poverty level in qualifying

1 municipalities that are within 50 miles of the owners
2 licensee's home dock. If 2 or more owners licensees that dock
3 on the Mississippi River, the Illinois River, or the Ohio River
4 are within 50 miles of each other, payments required under this
5 subsection (c-35) from the gross gaming receipts of those
6 owners licensees shall be commingled and paid to qualifying
7 municipalities that are within 50 miles of at least one of
8 those owners licensee's home docks. For the purposes of this
9 subsection (c-35), the term "qualifying municipality" means a
10 municipality, other than a municipality in which a riverboat
11 docks, in which the poverty rate as determined by using the
12 most recent data released by the United States Census Bureau is
13 at least 3% greater than the State poverty rate as determined
14 by using the most recent data released by the United States
15 Census Bureau.

16 (c-40) After the payments required under subsections (b),
17 (c), (c-5), (c-25), (c-30), and (c-35) have been made, an
18 amount equal to 1% of the gross gaming receipts of an owners
19 licensee that (i) docks on the Fox River or the Des Plaines
20 River or (ii) is authorized under subsection (e-5) of Section
21 7, shall be paid, subject to appropriation by the General
22 Assembly, from the State Gaming Fund to qualifying
23 municipalities within 20 miles of the home dock of the
24 riverboat. The amount paid under this subsection (c-40) to each
25 qualifying municipality shall based on the proportion that the
26 number of persons living at or below the poverty level in the
27 qualifying municipality bears to the total number of persons
28 living at or below the poverty level in qualifying
29 municipalities that are within 20 miles of the owners
30 licensee's home dock. If the home docks of 2 or more owners
31 licensees that (i) dock on the Fox River or the Des Plaines
32 River or (ii) are authorized under subsection (e-5) of Section
33 7 are within 20 miles of each other, payments required under
34 this subsection (c-40) from the gross gaming receipts of those

1 owners licensees shall be commingled and paid to qualifying
2 municipalities that are within 20 miles of at least one of
3 those owners licensee's home docks. For the purposes of this
4 subsection (c-40), the term "qualifying municipality" means a
5 municipality, other than the City of Chicago or a municipality
6 in which a riverboat docks, in which the poverty rate as
7 determined by using the most recent data released by the United
8 States Census Bureau is at least 3% greater than the State
9 poverty rate as determined by using the most recent data
10 released by the United States Census Bureau.

11 (c-45) After the payments required under subsections (b),
12 (c), (c-5), (c-25), (c-30), (c-35), and (c-40) have been made,
13 an amount equal to 1% of the gross gaming receipts of an owners
14 licensee that is authorized under subsection (e-6) of Section
15 7, shall be paid, subject to appropriation by the General
16 Assembly, from the State Gaming Fund to qualifying
17 municipalities within 10 miles of the casino. The amount paid
18 under this subsection (c-45) to each qualifying municipality
19 shall based on the proportion that the number of persons living
20 at or below the poverty level in the qualifying municipality
21 bears to the total number of persons living at or below the
22 poverty level in qualifying municipalities that are within 10
23 miles of the casino. For the purposes of this subsection
24 (c-45), the term "qualifying municipality" means a
25 municipality, other than the City of Chicago, a municipality in
26 which a riverboat docks, or a municipality that received
27 payment under subsection (c-35) or (c-40), in which the poverty
28 rate as determined by using the most recent data released by
29 the United States Census Bureau is at least 3% greater than the
30 State poverty rate as determined by using the most recent data
31 released by the United States Census Bureau.

32 (c-55) After the payments required under subsections (b),
33 (c), (c-5), (c-25), (c-30), (c-35), (c-40), and (c-45) have
34 been made, an amount equal to 9.25% of the gross gaming

1 receipts from owner licensees authorized under Sections 7(e-5)
2 and 7(e-6), but in no case more than \$75,000,000 per year,
3 shall be paid from the State Gaming Fund to the School
4 Infrastructure Fund.

5 (c-60) After the payments required under subsections (b),
6 (c), (c-5), (c-25), (c-30), (c-35), (c-40), (c-45), and (c-55)
7 have been made, an amount equal to 0.93% of the gross gaming
8 from owner licensees authorized under Sections 7(e-5) and
9 7(e-6), but in no case more than \$7,500,000 per year, shall be
10 reserved for the Board and may be used by the Board, subject to
11 appropriation, for the administration and enforcement of this
12 Act. Moneys reserved for the Board under this subsection (c-60)
13 shall not be deposited into the Education Assistance Fund.

14 (d) From time to time, the Board shall transfer the
15 remainder of the funds generated by this Act into the Education
16 Assistance Fund, created by Public Act 86-0018, of the State of
17 Illinois.

18 (e) Nothing in this Act shall prohibit the unit of local
19 government designated as the home dock of the riverboat, or the
20 municipality in which the casino is located, from entering into
21 agreements with other units of local government in this State
22 or in other states to share its portion of the tax revenue.

23 (f) To the extent practicable, the Board shall administer
24 and collect the wagering taxes imposed by this Section in a
25 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
26 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
27 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
28 Penalty and Interest Act.

29 (Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28,
30 eff. 6-20-03; revised 1-28-04.)

31 (230 ILCS 10/14) (from Ch. 120, par. 2414)

32 Sec. 14. Licensees - Records - Reports - Supervision.

33 (a) ~~A~~ Licensed owners, including the Authority, owner shall

1 keep their ~~his~~ books and records so as to clearly show the
2 following:

- 3 (1) The amount received daily from admission fees.
4 (2) The total amount of whole gaming ~~gross~~ receipts.
5 (3) The total amount of the ~~adjusted~~ gross gaming receipts.

6 (b) ~~The~~ Licensed owners, including the Authority, ~~owner~~
7 shall furnish to the Board reports and information as the Board
8 may require with respect to its activities on forms designed
9 and supplied for such purpose by the Board.

10 (c) The books and records kept by a licensed owner as
11 provided by this Section are public records and the
12 examination, publication, and dissemination of the books and
13 records are governed by the provisions of The Freedom of
14 Information Act.

15 (Source: P.A. 86-1029.)

16 (230 ILCS 10/18) (from Ch. 120, par. 2418)

17 Sec. 18. Prohibited Activities - Penalty.

18 (a) A person is guilty of a Class A misdemeanor for doing
19 any of the following:

20 (1) Conducting gambling where wagering is used or to be
21 used without a license issued by the Board.

22 (2) Conducting gambling where wagering is permitted
23 other than in the manner specified by Section 11.

24 (b) A person is guilty of a Class B misdemeanor for doing
25 any of the following:

26 (1) permitting a person under 21 years to make a wager;

27 or

28 (2) violating paragraph (12) of subsection (a) of
29 Section 11 of this Act.

30 (c) A person wagering or accepting a wager at any location
31 outside the riverboat or casino in violation of paragraph ~~is~~
32 ~~subject to the penalties in paragraphs~~ (1) or (2) of subsection
33 (a) of Section 28-1 of the Criminal Code of 1961 is subject to

1 the penalties provided in that Section.

2 (d) A person commits a Class 4 felony and, in addition,
3 shall be barred for life from gambling operations ~~riverboats~~
4 under the jurisdiction of the Board, if the person does any of
5 the following:

6 (1) Offers, promises, or gives anything of value or
7 benefit to a person who is connected with a riverboat or
8 casino owner including, but not limited to, an officer or
9 employee of a licensed owner or holder of an occupational
10 license pursuant to an agreement or arrangement or with the
11 intent that the promise or thing of value or benefit will
12 influence the actions of the person to whom the offer,
13 promise, or gift was made in order to affect or attempt to
14 affect the outcome of a gambling game, or to influence
15 official action of a member of the Board.

16 (2) Solicits or knowingly accepts or receives a promise
17 of anything of value or benefit while the person is
18 connected with a riverboat or casino, including, but not
19 limited to, an officer or employee of a licensed owner, or
20 the holder of an occupational license, pursuant to an
21 understanding or arrangement or with the intent that the
22 promise or thing of value or benefit will influence the
23 actions of the person to affect or attempt to affect the
24 outcome of a gambling game, or to influence official action
25 of a member of the Board.

26 (3) Uses or possesses with the intent to use a device
27 to assist:

28 (i) In projecting the outcome of the game.

29 (ii) In keeping track of the cards played.

30 (iii) In analyzing the probability of the
31 occurrence of an event relating to the gambling game.

32 (iv) In analyzing the strategy for playing or
33 betting to be used in the game except as permitted by
34 the Board.

1 (4) Cheats at a gambling game.

2 (5) Manufactures, sells, or distributes any cards,
3 chips, dice, game or device which is intended to be used to
4 violate any provision of this Act.

5 (6) Alters or misrepresents the outcome of a gambling
6 game on which wagers have been made after the outcome is
7 made sure but before it is revealed to the players.

8 (7) Places a bet after acquiring knowledge, not
9 available to all players, of the outcome of the gambling
10 game which is subject of the bet or to aid a person in
11 acquiring the knowledge for the purpose of placing a bet
12 contingent on that outcome.

13 (8) Claims, collects, or takes, or attempts to claim,
14 collect, or take, money or anything of value in or from the
15 gambling games, with intent to defraud, without having made
16 a wager contingent on winning a gambling game, or claims,
17 collects, or takes an amount of money or thing of value of
18 greater value than the amount won.

19 (9) Uses counterfeit chips or tokens in a gambling
20 game.

21 (10) Possesses any key or device designed for the
22 purpose of opening, entering, or affecting the operation of
23 a gambling game, drop box, or an electronic or mechanical
24 device connected with the gambling game or for removing
25 coins, tokens, chips or other contents of a gambling game.
26 This paragraph (10) does not apply to a gambling licensee
27 or employee of a gambling licensee acting in furtherance of
28 the employee's employment.

29 (e) The possession of more than one of the devices
30 described in subsection (d), paragraphs (3), (5) or (10)
31 permits a rebuttable presumption that the possessor intended to
32 use the devices for cheating.

33 An action to prosecute any crime occurring on a riverboat
34 or in a casino shall be tried in the county of the dock at which

1 the riverboat is based or in the county in which the casino is
2 located.

3 (Source: P.A. 91-40, eff. 6-25-99.)

4 (230 ILCS 10/20) (from Ch. 120, par. 2420)

5 Sec. 20. Prohibited activities - civil penalties. Any
6 person who conducts a gambling operation without first
7 obtaining a license to do so, or who continues to conduct such
8 games after revocation of his license, or any licensee who
9 conducts or allows to be conducted any unauthorized gambling
10 games on a riverboat or in a casino where it is authorized to
11 conduct its ~~riverboat~~ gambling operation, in addition to other
12 penalties provided, shall be subject to a civil penalty equal
13 to the amount of whole gaming ~~gross~~ receipts derived from
14 wagering on the gambling games, whether unauthorized or
15 authorized, conducted on that day as well as confiscation and
16 forfeiture of all gambling game equipment used in the conduct
17 of unauthorized gambling games.

18 (Source: P.A. 86-1029.)

19 (230 ILCS 10/23) (from Ch. 120, par. 2423)

20 Sec. 23. The State Gaming Fund. On or after the effective
21 date of this Act, all of the fees and taxes collected pursuant
22 to subsections of this Act shall be deposited into the State
23 Gaming Fund, a special fund in the State Treasury, which is
24 hereby created. The ~~adjusted~~ gross gaming receipts of any
25 riverboat gambling operations conducted by a licensed manager
26 on behalf of the State remaining after the payment of the fees
27 and expenses of the licensed manager shall be deposited into
28 the State Gaming Fund. Fines and penalties collected pursuant
29 to this Act shall be deposited into the Education Assistance
30 Fund, created by Public Act 86-0018, of the State of Illinois.

31 (Source: P.A. 93-28, eff. 6-20-03.)

1 Section 935. The Liquor Control Act of 1934 is amended by
2 changing Sections 5-1 and 6-30 as follows:

3 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

4 Sec. 5-1. Licenses issued by the Illinois Liquor Control
5 Commission shall be of the following classes:

6 (a) Manufacturer's license - Class 1. Distiller, Class 2.
7 Rectifier, Class 3. Brewer, Class 4. First Class Wine
8 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
9 First Class Winemaker, Class 7. Second Class Winemaker, Class
10 8. Limited Wine Manufacturer,

11 (b) Distributor's license,

12 (c) Importing Distributor's license,

13 (d) Retailer's license,

14 (e) Special Event Retailer's license (not-for-profit),

15 (f) Railroad license,

16 (g) Boat license,

17 (h) Non-Beverage User's license,

18 (i) Wine-maker's premises license,

19 (j) Airplane license,

20 (k) Foreign importer's license,

21 (l) Broker's license,

22 (m) Non-resident dealer's license,

23 (n) Brew Pub license,

24 (o) Auction liquor license,

25 (p) Caterer retailer license,

26 (q) Special use permit license.

27 No person, firm, partnership, corporation, or other legal
28 business entity that is engaged in the manufacturing of wine
29 may concurrently obtain and hold a wine-maker's license and a
30 wine manufacturer's license.

31 (a) A manufacturer's license shall allow the manufacture,
32 importation in bulk, storage, distribution and sale of
33 alcoholic liquor to persons without the State, as may be

1 permitted by law and to licensees in this State as follows:

2 Class 1. A Distiller may make sales and deliveries of
3 alcoholic liquor to distillers, rectifiers, importing
4 distributors, distributors and non-beverage users and to no
5 other licensees.

6 Class 2. A Rectifier, who is not a distiller, as defined
7 herein, may make sales and deliveries of alcoholic liquor to
8 rectifiers, importing distributors, distributors, retailers
9 and non-beverage users and to no other licensees.

10 Class 3. A Brewer may make sales and deliveries of beer to
11 importing distributors, distributors, and to non-licensees,
12 and to retailers provided the brewer obtains an importing
13 distributor's license or distributor's license in accordance
14 with the provisions of this Act.

15 Class 4. A first class wine-manufacturer may make sales and
16 deliveries of up to 50,000 gallons of wine to manufacturers,
17 importing distributors and distributors, and to no other
18 licensees.

19 Class 5. A second class Wine manufacturer may make sales
20 and deliveries of more than 50,000 gallons of wine to
21 manufacturers, importing distributors and distributors and to
22 no other licensees.

23 Class 6. A first-class wine-maker's license shall allow the
24 manufacture of up to 50,000 gallons of wine per year, and the
25 storage and sale of such wine to distributors in the State and
26 to persons without the State, as may be permitted by law. A
27 first-class wine-maker's license shall allow the sale of no
28 more than 5,000 gallons of the licensee's wine to retailers.
29 The State Commission shall issue only one first-class
30 wine-maker's license to any person, firm, partnership,
31 corporation, or other legal business entity that is engaged in
32 the making of less than 50,000 gallons of wine annually that
33 applies for a first-class wine-maker's license. No subsidiary
34 or affiliate thereof, nor any officer, associate, member,

1 partner, representative, employee, agent, or shareholder may
2 be issued an additional wine-maker's license by the State
3 Commission.

4 Class 7. A second-class wine-maker's license shall allow
5 the manufacture of between 50,000 and 100,000 gallons of wine
6 per year, and the storage and sale of such wine to distributors
7 in this State and to persons without the State, as may be
8 permitted by law. A second-class wine-maker's license shall
9 allow the sale of no more than 10,000 gallons of the licensee's
10 wine directly to retailers. The State Commission shall issue
11 only one second-class wine-maker's license to any person, firm,
12 partnership, corporation, or other legal business entity that
13 is engaged in the making of less than 100,000 gallons of wine
14 annually that applies for a second-class wine-maker's license.
15 No subsidiary or affiliate thereof, or any officer, associate,
16 member, partner, representative, employee, agent, or
17 shareholder may be issued an additional wine-maker's license by
18 the State Commission.

19 Class 8. A limited wine-manufacturer may make sales and
20 deliveries not to exceed 40,000 gallons of wine per year to
21 distributors, and to non-licensees in accordance with the
22 provisions of this Act.

23 (a-1) A manufacturer which is licensed in this State to
24 make sales or deliveries of alcoholic liquor and which enlists
25 agents, representatives, or individuals acting on its behalf
26 who contact licensed retailers on a regular and continual basis
27 in this State must register those agents, representatives, or
28 persons acting on its behalf with the State Commission.

29 Registration of agents, representatives, or persons acting
30 on behalf of a manufacturer is fulfilled by submitting a form
31 to the Commission. The form shall be developed by the
32 Commission and shall include the name and address of the
33 applicant, the name and address of the manufacturer he or she
34 represents, the territory or areas assigned to sell to or

1 discuss pricing terms of alcoholic liquor, and any other
2 questions deemed appropriate and necessary. All statements in
3 the forms required to be made by law or by rule shall be deemed
4 material, and any person who knowingly misstates any material
5 fact under oath in an application is guilty of a Class B
6 misdemeanor. Fraud, misrepresentation, false statements,
7 misleading statements, evasions, or suppression of material
8 facts in the securing of a registration are grounds for
9 suspension or revocation of the registration.

10 (b) A distributor's license shall allow the wholesale
11 purchase and storage of alcoholic liquors and sale of alcoholic
12 liquors to licensees in this State and to persons without the
13 State, as may be permitted by law.

14 (c) An importing distributor's license may be issued to and
15 held by those only who are duly licensed distributors, upon the
16 filing of an application by a duly licensed distributor, with
17 the Commission and the Commission shall, without the payment of
18 any fee, immediately issue such importing distributor's
19 license to the applicant, which shall allow the importation of
20 alcoholic liquor by the licensee into this State from any point
21 in the United States outside this State, and the purchase of
22 alcoholic liquor in barrels, casks or other bulk containers and
23 the bottling of such alcoholic liquors before resale thereof,
24 but all bottles or containers so filled shall be sealed,
25 labeled, stamped and otherwise made to comply with all
26 provisions, rules and regulations governing manufacturers in
27 the preparation and bottling of alcoholic liquors. The
28 importing distributor's license shall permit such licensee to
29 purchase alcoholic liquor from Illinois licensed non-resident
30 dealers and foreign importers only.

31 (d) A retailer's license shall allow the licensee to sell
32 and offer for sale at retail, only in the premises specified in
33 the license, alcoholic liquor for use or consumption, but not
34 for resale in any form: Provided that any retail license issued

1 to a manufacturer shall only permit the manufacturer to sell
2 beer at retail on the premises actually occupied by the
3 manufacturer. For the purpose of further describing the type of
4 business conducted at a retail licensed premises, a retailer's
5 licensee may be designated by the State Commission as (i) an on
6 premise consumption retailer, (ii) an off premise sale
7 retailer, or (iii) a combined on premise consumption and off
8 premise sale retailer.

9 Notwithstanding any other provision of this subsection
10 (d), a retail licensee may sell alcoholic liquors to a special
11 event retailer licensee for resale to the extent permitted
12 under subsection (e).

13 (e) A special event retailer's license (not-for-profit)
14 shall permit the licensee to purchase alcoholic liquors from an
15 Illinois licensed distributor (unless the licensee purchases
16 less than \$500 of alcoholic liquors for the special event, in
17 which case the licensee may purchase the alcoholic liquors from
18 a licensed retailer) and shall allow the licensee to sell and
19 offer for sale, at retail, alcoholic liquors for use or
20 consumption, but not for resale in any form and only at the
21 location and on the specific dates designated for the special
22 event in the license. An applicant for a special event retailer
23 license must (i) furnish with the application: (A) a resale
24 number issued under Section 2c of the Retailers' Occupation Tax
25 Act or evidence that the applicant is registered under Section
26 2a of the Retailers' Occupation Tax Act, (B) a current, valid
27 exemption identification number issued under Section 1g of the
28 Retailers' Occupation Tax Act, and a certification to the
29 Commission that the purchase of alcoholic liquors will be a
30 tax-exempt purchase, or (C) a statement that the applicant is
31 not registered under Section 2a of the Retailers' Occupation
32 Tax Act, does not hold a resale number under Section 2c of the
33 Retailers' Occupation Tax Act, and does not hold an exemption
34 number under Section 1g of the Retailers' Occupation Tax Act,

1 in which event the Commission shall set forth on the special
2 event retailer's license a statement to that effect; (ii)
3 submit with the application proof satisfactory to the State
4 Commission that the applicant will provide dram shop liability
5 insurance in the maximum limits; and (iii) show proof
6 satisfactory to the State Commission that the applicant has
7 obtained local authority approval.

8 (f) A railroad license shall permit the licensee to import
9 alcoholic liquors into this State from any point in the United
10 States outside this State and to store such alcoholic liquors
11 in this State; to make wholesale purchases of alcoholic liquors
12 directly from manufacturers, foreign importers, distributors
13 and importing distributors from within or outside this State;
14 and to store such alcoholic liquors in this State; provided
15 that the above powers may be exercised only in connection with
16 the importation, purchase or storage of alcoholic liquors to be
17 sold or dispensed on a club, buffet, lounge or dining car
18 operated on an electric, gas or steam railway in this State;
19 and provided further, that railroad licensees exercising the
20 above powers shall be subject to all provisions of Article VIII
21 of this Act as applied to importing distributors. A railroad
22 license shall also permit the licensee to sell or dispense
23 alcoholic liquors on any club, buffet, lounge or dining car
24 operated on an electric, gas or steam railway regularly
25 operated by a common carrier in this State, but shall not
26 permit the sale for resale of any alcoholic liquors to any
27 licensee within this State. A license shall be obtained for
28 each car in which such sales are made.

29 (g) A boat license shall allow the sale of alcoholic liquor
30 in individual drinks, on any passenger boat regularly operated
31 as a common carrier on navigable waters in this State or on any
32 riverboat operated under the Riverboat and Casino Gambling Act,
33 which boat or riverboat maintains a public dining room or
34 restaurant thereon.

1 (h) A non-beverage user's license shall allow the licensee
 2 to purchase alcoholic liquor from a licensed manufacturer or
 3 importing distributor, without the imposition of any tax upon
 4 the business of such licensed manufacturer or importing
 5 distributor as to such alcoholic liquor to be used by such
 6 licensee solely for the non-beverage purposes set forth in
 7 subsection (a) of Section 8-1 of this Act, and such licenses
 8 shall be divided and classified and shall permit the purchase,
 9 possession and use of limited and stated quantities of
 10 alcoholic liquor as follows:

- 11 Class 1, not to exceed 500 gallons
- 12 Class 2, not to exceed 1,000 gallons
- 13 Class 3, not to exceed 5,000 gallons
- 14 Class 4, not to exceed 10,000 gallons
- 15 Class 5, not to exceed 50,000 gallons

16 (i) A wine-maker's premises license shall allow a licensee
 17 that concurrently holds a first-class wine-maker's license to
 18 sell and offer for sale at retail in the premises specified in
 19 such license not more than 50,000 gallons of the first-class
 20 wine-maker's wine that is made at the first-class wine-maker's
 21 licensed premises per year for use or consumption, but not for
 22 resale in any form. A wine-maker's premises license shall allow
 23 a licensee who concurrently holds a second-class wine-maker's
 24 license to sell and offer for sale at retail in the premises
 25 specified in such license up to 100,000 gallons of the
 26 second-class wine-maker's wine that is made at the second-class
 27 wine-maker's licensed premises per year for use or consumption
 28 but not for resale in any form. A wine-maker's premises license
 29 shall allow a licensee that concurrently holds a first-class
 30 wine-maker's license or a second-class wine-maker's license to
 31 sell and offer for sale at retail at the premises specified in
 32 the wine-maker's premises license, for use or consumption but
 33 not for resale in any form, any beer, wine, and spirits
 34 purchased from a licensed distributor. Upon approval from the

1 State Commission, a wine-maker's premises license shall allow
2 the licensee to sell and offer for sale at (i) the wine-maker's
3 licensed premises and (ii) at up to 2 additional locations for
4 use and consumption and not for resale. Each location shall
5 require additional licensing per location as specified in
6 Section 5-3 of this Act.

7 (j) An airplane license shall permit the licensee to import
8 alcoholic liquors into this State from any point in the United
9 States outside this State and to store such alcoholic liquors
10 in this State; to make wholesale purchases of alcoholic liquors
11 directly from manufacturers, foreign importers, distributors
12 and importing distributors from within or outside this State;
13 and to store such alcoholic liquors in this State; provided
14 that the above powers may be exercised only in connection with
15 the importation, purchase or storage of alcoholic liquors to be
16 sold or dispensed on an airplane; and provided further, that
17 airplane licensees exercising the above powers shall be subject
18 to all provisions of Article VIII of this Act as applied to
19 importing distributors. An airplane licensee shall also permit
20 the sale or dispensing of alcoholic liquors on any passenger
21 airplane regularly operated by a common carrier in this State,
22 but shall not permit the sale for resale of any alcoholic
23 liquors to any licensee within this State. A single airplane
24 license shall be required of an airline company if liquor
25 service is provided on board aircraft in this State. The annual
26 fee for such license shall be as determined in Section 5-3.

27 (k) A foreign importer's license shall permit such licensee
28 to purchase alcoholic liquor from Illinois licensed
29 non-resident dealers only, and to import alcoholic liquor other
30 than in bulk from any point outside the United States and to
31 sell such alcoholic liquor to Illinois licensed importing
32 distributors and to no one else in Illinois; provided that the
33 foreign importer registers with the State Commission every
34 brand of alcoholic liquor that it proposes to sell to Illinois

1 licensees during the license period and provided further that
2 the foreign importer complies with all of the provisions of
3 Section 6-9 of this Act with respect to registration of such
4 Illinois licensees as may be granted the right to sell such
5 brands at wholesale.

6 (1) (i) A broker's license shall be required of all persons
7 who solicit orders for, offer to sell or offer to supply
8 alcoholic liquor to retailers in the State of Illinois, or who
9 offer to retailers to ship or cause to be shipped or to make
10 contact with distillers, rectifiers, brewers or manufacturers
11 or any other party within or without the State of Illinois in
12 order that alcoholic liquors be shipped to a distributor,
13 importing distributor or foreign importer, whether such
14 solicitation or offer is consummated within or without the
15 State of Illinois.

16 No holder of a retailer's license issued by the Illinois
17 Liquor Control Commission shall purchase or receive any
18 alcoholic liquor, the order for which was solicited or offered
19 for sale to such retailer by a broker unless the broker is the
20 holder of a valid broker's license.

21 The broker shall, upon the acceptance by a retailer of the
22 broker's solicitation of an order or offer to sell or supply or
23 deliver or have delivered alcoholic liquors, promptly forward
24 to the Illinois Liquor Control Commission a notification of
25 said transaction in such form as the Commission may by
26 regulations prescribe.

27 (ii) A broker's license shall be required of a person
28 within this State, other than a retail licensee, who, for a fee
29 or commission, promotes, solicits, or accepts orders for
30 alcoholic liquor, for use or consumption and not for resale, to
31 be shipped from this State and delivered to residents outside
32 of this State by an express company, common carrier, or
33 contract carrier. This Section does not apply to any person who
34 promotes, solicits, or accepts orders for wine as specifically

1 authorized in Section 6-29 of this Act.

2 A broker's license under this subsection (1) shall not
3 entitle the holder to buy or sell any alcoholic liquors for his
4 own account or to take or deliver title to such alcoholic
5 liquors.

6 This subsection (1) shall not apply to distributors,
7 employees of distributors, or employees of a manufacturer who
8 has registered the trademark, brand or name of the alcoholic
9 liquor pursuant to Section 6-9 of this Act, and who regularly
10 sells such alcoholic liquor in the State of Illinois only to
11 its registrants thereunder.

12 Any agent, representative, or person subject to
13 registration pursuant to subsection (a-1) of this Section shall
14 not be eligible to receive a broker's license.

15 (m) A non-resident dealer's license shall permit such
16 licensee to ship into and warehouse alcoholic liquor into this
17 State from any point outside of this State, and to sell such
18 alcoholic liquor to Illinois licensed foreign importers and
19 importing distributors and to no one else in this State;
20 provided that said non-resident dealer shall register with the
21 Illinois Liquor Control Commission each and every brand of
22 alcoholic liquor which it proposes to sell to Illinois
23 licensees during the license period; and further provided that
24 it shall comply with all of the provisions of Section 6-9
25 hereof with respect to registration of such Illinois licensees
26 as may be granted the right to sell such brands at wholesale.

27 (n) A brew pub license shall allow the licensee to
28 manufacture beer only on the premises specified in the license,
29 to make sales of the beer manufactured on the premises to
30 importing distributors, distributors, and to non-licensees for
31 use and consumption, to store the beer upon the premises, and
32 to sell and offer for sale at retail from the licensed
33 premises, provided that a brew pub licensee shall not sell for
34 off-premises consumption more than 50,000 gallons per year.

1 (o) A caterer retailer license shall allow the holder to
2 serve alcoholic liquors as an incidental part of a food service
3 that serves prepared meals which excludes the serving of snacks
4 as the primary meal, either on or off-site whether licensed or
5 unlicensed.

6 (p) An auction liquor license shall allow the licensee to
7 sell and offer for sale at auction wine and spirits for use or
8 consumption, or for resale by an Illinois liquor licensee in
9 accordance with provisions of this Act. An auction liquor
10 license will be issued to a person and it will permit the
11 auction liquor licensee to hold the auction anywhere in the
12 State. An auction liquor license must be obtained for each
13 auction at least 14 days in advance of the auction date.

14 (q) A special use permit license shall allow an Illinois
15 licensed retailer to transfer a portion of its alcoholic liquor
16 inventory from its retail licensed premises to the premises
17 specified in the license hereby created, and to sell or offer
18 for sale at retail, only in the premises specified in the
19 license hereby created, the transferred alcoholic liquor for
20 use or consumption, but not for resale in any form. A special
21 use permit license may be granted for the following time
22 periods: one day or less; 2 or more days to a maximum of 15 days
23 per location in any 12 month period. An applicant for the
24 special use permit license must also submit with the
25 application proof satisfactory to the State Commission that the
26 applicant will provide dram shop liability insurance to the
27 maximum limits and have local authority approval.

28 (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;
29 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.
30 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

31 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

32 Sec. 6-30. Notwithstanding any other provision of this Act,
33 the Illinois Gaming Board shall have exclusive authority to

1 establish the hours for sale and consumption of alcoholic
2 liquor on board a riverboat during riverboat gambling
3 excursions and in a casino conducted in accordance with the
4 Riverboat and Casino Gambling Act.

5 (Source: P.A. 87-826.)

6 Section 940. The Criminal Code of 1961 is amended by
7 changing Sections 28-1, 28-1.1, 28-3, 28-5 and 28-7 as follows:

8 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

9 Sec. 28-1. Gambling.

10 (a) A person commits gambling when he:

11 (1) Plays a game of chance or skill for money or other
12 thing of value, unless excepted in subsection (b) of this
13 Section; or

14 (2) Makes a wager upon the result of any game, contest,
15 or any political nomination, appointment or election; or

16 (3) Operates, keeps, owns, uses, purchases, exhibits,
17 rents, sells, bargains for the sale or lease of,
18 manufactures or distributes any gambling device; or

19 (4) Contracts to have or give himself or another the
20 option to buy or sell, or contracts to buy or sell, at a
21 future time, any grain or other commodity whatsoever, or
22 any stock or security of any company, where it is at the
23 time of making such contract intended by both parties
24 thereto that the contract to buy or sell, or the option,
25 whenever exercised, or the contract resulting therefrom,
26 shall be settled, not by the receipt or delivery of such
27 property, but by the payment only of differences in prices
28 thereof; however, the issuance, purchase, sale, exercise,
29 endorsement or guarantee, by or through a person registered
30 with the Secretary of State pursuant to Section 8 of the
31 Illinois Securities Law of 1953, or by or through a person
32 exempt from such registration under said Section 8, of a

1 put, call, or other option to buy or sell securities which
2 have been registered with the Secretary of State or which
3 are exempt from such registration under Section 3 of the
4 Illinois Securities Law of 1953 is not gambling within the
5 meaning of this paragraph (4); or

6 (5) Knowingly owns or possesses any book, instrument or
7 apparatus by means of which bets or wagers have been, or
8 are, recorded or registered, or knowingly possesses any
9 money which he has received in the course of a bet or
10 wager; or

11 (6) Sells pools upon the result of any game or contest
12 of skill or chance, political nomination, appointment or
13 election; or

14 (7) Sets up or promotes any lottery or sells, offers to
15 sell or transfers any ticket or share for any lottery; or

16 (8) Sets up or promotes any policy game or sells,
17 offers to sell or knowingly possesses or transfers any
18 policy ticket, slip, record, document or other similar
19 device; or

20 (9) Knowingly drafts, prints or publishes any lottery
21 ticket or share, or any policy ticket, slip, record,
22 document or similar device, except for such activity
23 related to lotteries, bingo games and raffles authorized by
24 and conducted in accordance with the laws of Illinois or
25 any other state or foreign government; or

26 (10) Knowingly advertises any lottery or policy game,
27 except for such activity related to lotteries, bingo games
28 and raffles authorized by and conducted in accordance with
29 the laws of Illinois or any other state; or

30 (11) Knowingly transmits information as to wagers,
31 betting odds, or changes in betting odds by telephone,
32 telegraph, radio, semaphore or similar means; or knowingly
33 installs or maintains equipment for the transmission or
34 receipt of such information; except that nothing in this

1 subdivision (11) prohibits transmission or receipt of such
2 information for use in news reporting of sporting events or
3 contests; or

4 (12) Knowingly establishes, maintains, or operates an
5 Internet site that permits a person to play a game of
6 chance or skill for money or other thing of value by means
7 of the Internet or to make a wager upon the result of any
8 game, contest, political nomination, appointment, or
9 election by means of the Internet.

10 (b) Participants in any of the following activities shall
11 not be convicted of gambling therefor:

12 (1) Agreements to compensate for loss caused by the
13 happening of chance including without limitation contracts
14 of indemnity or guaranty and life or health or accident
15 insurance;

16 (2) Offers of prizes, award or compensation to the
17 actual contestants in any bona fide contest for the
18 determination of skill, speed, strength or endurance or to
19 the owners of animals or vehicles entered in such contest;

20 (3) Pari-mutuel betting as authorized by the law of
21 this State;

22 (4) Manufacture of gambling devices, including the
23 acquisition of essential parts therefor and the assembly
24 thereof, for transportation in interstate or foreign
25 commerce to any place outside this State when such
26 transportation is not prohibited by any applicable Federal
27 law;

28 (5) The game commonly known as "bingo", when conducted
29 in accordance with the Bingo License and Tax Act;

30 (6) Lotteries when conducted by the State of Illinois
31 in accordance with the Illinois Lottery Law;

32 (7) Possession of an antique slot machine that is
33 neither used nor intended to be used in the operation or
34 promotion of any unlawful gambling activity or enterprise.

1 For the purpose of this subparagraph (b)(7), an antique
2 slot machine is one manufactured 25 years ago or earlier;

3 (8) Raffles when conducted in accordance with the
4 Raffles Act;

5 (9) Charitable games when conducted in accordance with
6 the Charitable Games Act;

7 (10) Pull tabs and jar games when conducted under the
8 Illinois Pull Tabs and Jar Games Act; or

9 (11) Gambling games ~~conducted on riverboats~~ when
10 authorized by the Riverboat and Casino Gambling Act.

11 (c) Sentence.

12 Gambling under subsection (a)(1) or (a)(2) of this Section
13 is a Class A misdemeanor. Gambling under any of subsections
14 (a)(3) through (a)(11) of this Section is a Class A
15 misdemeanor. A second or subsequent conviction under any of
16 subsections (a)(3) through (a)(11), is a Class 4 felony.
17 Gambling under subsection (a)(12) of this Section is a Class A
18 misdemeanor. A second or subsequent conviction under
19 subsection (a)(12) is a Class 4 felony.

20 (d) Circumstantial evidence.

21 In prosecutions under subsection (a)(1) through (a)(12) of
22 this Section circumstantial evidence shall have the same
23 validity and weight as in any criminal prosecution.

24 (Source: P.A. 91-257, eff. 1-1-00.)

25 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

26 Sec. 28-1.1. Syndicated gambling.

27 (a) Declaration of Purpose. Recognizing the close
28 relationship between professional gambling and other organized
29 crime, it is declared to be the policy of the legislature to
30 restrain persons from engaging in the business of gambling for
31 profit in this State. This Section shall be liberally construed
32 and administered with a view to carrying out this policy.

33 (b) A person commits syndicated gambling when he operates a

1 "policy game" or engages in the business of bookmaking.

2 (c) A person "operates a policy game" when he knowingly
3 uses any premises or property for the purpose of receiving or
4 knowingly does receive from what is commonly called "policy":

5 (1) money from a person other than the better or player
6 whose bets or plays are represented by such money; or

7 (2) written "policy game" records, made or used over
8 any period of time, from a person other than the better or
9 player whose bets or plays are represented by such written
10 record.

11 (d) A person engages in bookmaking when he receives or
12 accepts more than five bets or wagers upon the result of any
13 trials or contests of skill, speed or power of endurance or
14 upon any lot, chance, casualty, unknown or contingent event
15 whatsoever, which bets or wagers shall be of such size that the
16 total of the amounts of money paid or promised to be paid to
17 such bookmaker on account thereof shall exceed \$2,000.
18 Bookmaking is the receiving or accepting of such bets or wagers
19 regardless of the form or manner in which the bookmaker records
20 them.

21 (e) Participants in any of the following activities shall
22 not be convicted of syndicated gambling:

23 (1) Agreements to compensate for loss caused by the
24 happening of chance including without limitation contracts
25 of indemnity or guaranty and life or health or accident
26 insurance; and

27 (2) Offers of prizes, award or compensation to the
28 actual contestants in any bona fide contest for the
29 determination of skill, speed, strength or endurance or to
30 the owners of animals or vehicles entered in such contest;
31 and

32 (3) Pari-mutuel betting as authorized by law of this
33 State; and

34 (4) Manufacture of gambling devices, including the

1 acquisition of essential parts therefor and the assembly
2 thereof, for transportation in interstate or foreign
3 commerce to any place outside this State when such
4 transportation is not prohibited by any applicable Federal
5 law; and

6 (5) Raffles when conducted in accordance with the
7 Raffles Act; and

8 (6) Gambling games conducted on riverboats or in
9 casinos when authorized by the Riverboat and Casino
10 Gambling Act.

11 (f) Sentence. Syndicated gambling is a Class 3 felony.

12 (Source: P.A. 86-1029; 87-435.)

13 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

14 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is
15 any real estate, vehicle, boat or any other property whatsoever
16 used for the purposes of gambling other than gambling conducted
17 in the manner authorized by the Riverboat and Casino Gambling
18 Act. Any person who knowingly permits any premises or property
19 owned or occupied by him or under his control to be used as a
20 gambling place commits a Class A misdemeanor. Each subsequent
21 offense is a Class 4 felony. When any premises is determined by
22 the circuit court to be a gambling place:

23 (a) Such premises is a public nuisance and may be proceeded
24 against as such, and

25 (b) All licenses, permits or certificates issued by the
26 State of Illinois or any subdivision or public agency thereof
27 authorizing the serving of food or liquor on such premises
28 shall be void; and no license, permit or certificate so
29 cancelled shall be reissued for such premises for a period of
30 60 days thereafter; nor shall any person convicted of keeping a
31 gambling place be reissued such license for one year from his
32 conviction and, after a second conviction of keeping a gambling
33 place, any such person shall not be reissued such license, and

1 (c) Such premises of any person who knowingly permits
2 thereon a violation of any Section of this Article shall be
3 held liable for, and may be sold to pay any unsatisfied
4 judgment that may be recovered and any unsatisfied fine that
5 may be levied under any Section of this Article.

6 (Source: P.A. 86-1029.)

7 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

8 Sec. 28-5. Seizure of gambling devices and gambling funds.

9 (a) Every device designed for gambling which is incapable
10 of lawful use or every device used unlawfully for gambling
11 shall be considered a "gambling device", and shall be subject
12 to seizure, confiscation and destruction by the Department of
13 State Police or by any municipal, or other local authority,
14 within whose jurisdiction the same may be found. As used in
15 this Section, a "gambling device" includes any slot machine,
16 and includes any machine or device constructed for the
17 reception of money or other thing of value and so constructed
18 as to return, or to cause someone to return, on chance to the
19 player thereof money, property or a right to receive money or
20 property. With the exception of any device designed for
21 gambling which is incapable of lawful use, no gambling device
22 shall be forfeited or destroyed unless an individual with a
23 property interest in said device knows of the unlawful use of
24 the device.

25 (b) Every gambling device shall be seized and forfeited to
26 the county wherein such seizure occurs. Any money or other
27 thing of value integrally related to acts of gambling shall be
28 seized and forfeited to the county wherein such seizure occurs.

29 (c) If, within 60 days after any seizure pursuant to
30 subparagraph (b) of this Section, a person having any property
31 interest in the seized property is charged with an offense, the
32 court which renders judgment upon such charge shall, within 30
33 days after such judgment, conduct a forfeiture hearing to

1 determine whether such property was a gambling device at the
2 time of seizure. Such hearing shall be commenced by a written
3 petition by the State, including material allegations of fact,
4 the name and address of every person determined by the State to
5 have any property interest in the seized property, a
6 representation that written notice of the date, time and place
7 of such hearing has been mailed to every such person by
8 certified mail at least 10 days before such date, and a request
9 for forfeiture. Every such person may appear as a party and
10 present evidence at such hearing. The quantum of proof required
11 shall be a preponderance of the evidence, and the burden of
12 proof shall be on the State. If the court determines that the
13 seized property was a gambling device at the time of seizure,
14 an order of forfeiture and disposition of the seized property
15 shall be entered: a gambling device shall be received by the
16 State's Attorney, who shall effect its destruction, except that
17 valuable parts thereof may be liquidated and the resultant
18 money shall be deposited in the general fund of the county
19 wherein such seizure occurred; money and other things of value
20 shall be received by the State's Attorney and, upon
21 liquidation, shall be deposited in the general fund of the
22 county wherein such seizure occurred. However, in the event
23 that a defendant raises the defense that the seized slot
24 machine is an antique slot machine described in subparagraph
25 (b) (7) of Section 28-1 of this Code and therefore he is exempt
26 from the charge of a gambling activity participant, the seized
27 antique slot machine shall not be destroyed or otherwise
28 altered until a final determination is made by the Court as to
29 whether it is such an antique slot machine. Upon a final
30 determination by the Court of this question in favor of the
31 defendant, such slot machine shall be immediately returned to
32 the defendant. Such order of forfeiture and disposition shall,
33 for the purposes of appeal, be a final order and judgment in a
34 civil proceeding.

1 (d) If a seizure pursuant to subparagraph (b) of this
2 Section is not followed by a charge pursuant to subparagraph
3 (c) of this Section, or if the prosecution of such charge is
4 permanently terminated or indefinitely discontinued without
5 any judgment of conviction or acquittal (1) the State's
6 Attorney shall commence an in rem proceeding for the forfeiture
7 and destruction of a gambling device, or for the forfeiture and
8 deposit in the general fund of the county of any seized money
9 or other things of value, or both, in the circuit court and (2)
10 any person having any property interest in such seized gambling
11 device, money or other thing of value may commence separate
12 civil proceedings in the manner provided by law.

13 (e) Any gambling device displayed for sale to a riverboat
14 gambling operation or a casino gambling operation or used to
15 train occupational licensees of a riverboat gambling operation
16 or a casino gambling operation as authorized under the
17 Riverboat and Casino Gambling Act, is exempt from seizure under
18 this Section.

19 (f) Any gambling equipment, devices and supplies provided
20 by a licensed supplier in accordance with the Riverboat and
21 Casino Gambling Act which are removed from a ~~the~~ riverboat or
22 casino for repair are exempt from seizure under this Section.

23 (Source: P.A. 87-826.)

24 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

25 Sec. 28-7. Gambling contracts void.

26 (a) All promises, notes, bills, bonds, covenants,
27 contracts, agreements, judgments, mortgages, or other
28 securities or conveyances made, given, granted, drawn, or
29 entered into, or executed by any person whatsoever, where the
30 whole or any part of the consideration thereof is for any money
31 or thing of value, won or obtained in violation of any Section
32 of this Article are null and void.

33 (b) Any obligation void under this Section may be set aside

1 and vacated by any court of competent jurisdiction, upon a
2 complaint filed for that purpose, by the person so granting,
3 giving, entering into, or executing the same, or by his
4 executors or administrators, or by any creditor, heir, legatee,
5 purchaser or other person interested therein; or if a judgment,
6 the same may be set aside on motion of any person stated above,
7 on due notice thereof given.

8 (c) No assignment of any obligation void under this Section
9 may in any manner affect the defense of the person giving,
10 granting, drawing, entering into or executing such obligation,
11 or the remedies of any person interested therein.

12 (d) This Section shall not prevent a licensed owner of a
13 riverboat gambling operation or a casino gambling operation
14 from instituting a cause of action to collect any amount due
15 and owing under an extension of credit to a ~~riverboat~~ gambling
16 patron as authorized under Section 11.1 of the Riverboat and
17 Casino Gambling Act.

18 (Source: P.A. 87-826.)

19 Section 945. The Travel Promotion Consumer Protection Act
20 is amended by changing Section 2 as follows:

21 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

22 Sec. 2. Definitions.

23 (a) "Travel promoter" means a person, including a tour
24 operator, who sells, provides, furnishes, contracts for,
25 arranges or advertises that he or she will arrange wholesale or
26 retail transportation by air, land, sea or navigable stream,
27 either separately or in conjunction with other services.
28 "Travel promoter" does not include (1) an air carrier; (2) a
29 sea carrier; (3) an officially appointed agent of an air
30 carrier who is a member in good standing of the Airline
31 Reporting Corporation; (4) a travel promoter who has in force
32 \$1,000,000 or more of liability insurance coverage for

1 professional errors and omissions and a surety bond or
2 equivalent surety in the amount of \$100,000 or more for the
3 benefit of consumers in the event of a bankruptcy on the part
4 of the travel promoter; or (5) a riverboat subject to
5 regulation under the Riverboat and Casino Gambling Act.

6 (b) "Advertise" means to make any representation in the
7 solicitation of passengers and includes communication with
8 other members of the same partnership, corporation, joint
9 venture, association, organization, group or other entity.

10 (c) "Passenger" means a person on whose behalf money or
11 other consideration has been given or is to be given to
12 another, including another member of the same partnership,
13 corporation, joint venture, association, organization, group
14 or other entity, for travel.

15 (d) "Ticket or voucher" means a writing or combination of
16 writings which is itself good and sufficient to obtain
17 transportation and other services for which the passenger has
18 contracted.

19 (Source: P.A. 91-357, eff. 7-29-99.)

20 Section 950. The State Finance Act is amended by adding
21 Sections 5.640 and 6z-68 as follows:

22 (30 ILCS 105/5.640 new)

23 Sec. 5.640. The Early Childhood Education Fund.

24 (30 ILCS 105/6z-68 new)

25 Sec. 6z-68. The Early Childhood Education Fund. There is
26 hereby created in the State treasury a special fund to be known
27 as the Early Childhood Education Fund. On July 1, 2005 and
28 annually thereafter, the State Comptroller shall order
29 transferred and the State Treasurer shall transfer
30 \$100,000,000 from the State Gaming Fund to the Early Childhood
31 Education Fund. Moneys in the Early Childhood Education Fund

1 shall be used by the Illinois State Board of Education, subject
2 to appropriation, to fund early childhood education programs.
3 Moneys paid from the Early Childhood Education Fund to early
4 childhood education programs under this Section shall be in
5 addition to and shall not supplant other moneys paid by the
6 State to early childhood education programs.

7 Section 997. Severability. The amendatory provisions of
8 this Act are severable under Section 1.31 of the Statute on
9 Statutes.

10 Section 999. Effective date. This Act takes effect upon
11 becoming law.".